

KASHMIR

Accession to Kargil



B. L. Panagariya

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TRANSLATED BY
BOOK BY
DEDICATED TO

The Great Visionary
Great Jawaharlal Nehru
First Prime Minister
Of

B.L. Panagariya

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The Great Visionary Pandit Jawaharlal Nehru

First Prime Minister

of

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India

Who Brought About The Emotional And Political Integration

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Of Kashmir With India

First Prime Minister Of India Who Brought About The Emotional And Political Integration Of Kashmir With India

Preface

The book was first published in 1994 with the title 'Kashmir : Paradise in Turmoil'. The entire edition was sold out within a few days. The publishers, M/s. National Publishing House, wanted that the second edition of the book should be brought out immediately. I advised them that we should wait till some new developments take place in Kashmir, so that the utility of the book may increase. After about 5 years came the Kargil War-the fourth Indo-Pak. War since Pakistan came into being 52 years ago. The Kargil War has added another feather in the cap of our defence forces and provided me an opportunity to add a new chapter on Kargil War to the book. I am sure the reader will welcome this addition to the book.

Accordingly, a minor change has been made in the title of the book from "Kashmir: Paradise in Turmoil" to "**Kashmir: Accession to Kargil**".

I dedicate this edition of the book to the Kargil heroes who sacrificed their lives in the service of our mother-land-India.

Rajniketan

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B.L. Panagariya

Acknowledgements

I am indebted to the various scholars and writers, past and present, whose valuable works on Kashmir have helped me a lot in writing the present book.

I am thankful to my friends and well-known journalist the late Shri K.C. Sondhi formerly of the Indian Express and Shri Inder Sawhney of the Times of India, who have taken the trouble to go through the manuscript and advised me appropriately.

Thanks are due to M/s National Publishing House, Jaipur who have been kind enough as usual, to publish the book promptly.

Last but not in the least, I take the opportunity to express my gratitude to the reader who has well received my earlier works. I am sure he will find the present book equally useful, interesting and informative.

B.L. Panagariya

Prologue

Kashmir is one of the most wonderful creations of nature. Its snow-capped mountains, its majestic rivers carrying the waters of the great Himalayas, its innumerable streams and fountains, its ever green valleys and enchanting lakes and its world famous gardens have made it a perfect paradise on earth.

Kashmir can equally be proud of its cultural heritage. It has produced scholars like, Nagarjun, Vamanbhatt, Kshemendra, Abhinay Gupta and Mohammad Fani, artists and poets like Sarangdeo, Tahir Ghani, Chandrabhan and Habba Khatun, saints like Lal Ded and Nund Rishi and chroniclers like Kalhana and Jonaraja. The astronomers Aryabhatt and Bashkaracharya, physicians Narhari and Charak, the father of Indian system of medicine and Suyya, the pioneer of irrigation engineering, have added to the glory of this ancient land.

The description of this lovely Valley will, however, be incomplete without the description of its people, the common man. According to the celebrated Chinese traveller, Hsuan Tsang, who visited Kashmir during 617-53 AD, the people of Kashmir were 'light, frivolous and of a weak and pusillanimous disposition'. More recently, the well known English author

Lord Birdwood has described the people as 'a gentle, friendly people of little stamina who in trouble bark loudly but who seldom bite'. Sir Mohammad Zafrulla Khan, the then Foreign Minister of Pakistan, went to the extent of telling the Security Council that 'one soldier armed with no more than a bayonet could drive 4000 Kashmiris in whatever direction he desired'. Notwithstanding these unflattering references, it is the robust sense of its people that Kashmir has survived for more than two thousand years despite a number of social, cultural and political upheavals and even natural disasters.

Kashmir has an uninterrupted record of its history since Kalhana produced his monumental work, 'Rajtarangini' in Sanskrit verses in 1148-50. The good work was continued by Jonaraja, Shivara (1486), Prajanabhatta and Sukha (1596). During the Mughal period, Haider Ali, Nayan Kaul, Mohammad Azam and Birbal Kachru made valuable contribution to the history of Kashmir and maintained the link between the ancient and the medieval periods.

The Valley continued to inspire historians and scholars during the British rule too. The prominent among those who made the history of Kashmir further rich during the period were Pirzada Hasan, Ghulam Muheyuddin Suffi, Walter Lawarance, Virgins, Francis Young Husband, etc. In the post independence era, the dispute over the accession of Kashmir followed by Indo-Pakistan wars flooded the markets in India and abroad with books on Kashmir. There were two sets of writers during this period. In the first category, were professional writers such as Michael Bracher, Shishir Gupta, Lord Birdwood and D.R. Mankikar. In the second, were those who directly or indirectly responsible for shaping the events in Kashmir at one stage or the other such as Prem Nath Bazaz, Josef Korbel, Justice M.C. Mahajan, Lt. Colonel Chohen, B.N. Mullik and Jagmohan. Their works should be considered as authentic. Since, however, they were themselves actors in the drama, their works suffer from certain amount of subjectivity and bias.

Although the stands and shelves are already overcrowded with books on Kashmir by eminent scholars, I could not resist x / Kashmir : Accession to Kargil

the temptation of making my own humble contribution to the plethora of literature on the subject. I need not emphasise that I have drawn heavily on the works of several authors, past and present, as far as historical aspects of the book are concerned. The interpretations given to various events, particularly the contemporary ones, are of course mine and I owe full responsibility for them.

Though Kashmir acceded to India as far back as 1947, fierce controversy continues unabated in international circles as to why India dragged its feet in Kashmir and deprived Pakistan of a Muslim majority state which should have ordinarily gone to it? On the other hand, it is often asked at home as to why India approached the U.N.O. for vacation of aggression by Pakistan in Kashmir and accepted cease-fire in stead of allowing its armed forces to continue their operations till the rest of Kashmir was cleared off the aggressor? Then there is a section of people who wonder why Kashmir should be allowed to have its own constitution and flag and should have a special status in terms of article 370 of the Constitution of India?

All these questions are relevant. A number of scholars and authors have commented upon these issues according to their own light and perceptions. Most of them have, however, ignored the fact that for India much more is at stake in Kashmir than just a piece of territory though this is also important for strategic reasons. The state represents the ideals of a multi-racial, multi-lingual and multi-religious society as enshrined in our Constitution. It has been linked with India culturally and politically not only during the ancient and medieval periods but also during the freedom struggle. In the present book I have made an attempt, however modest, to dwell upon these issues in their proper perspective.

This land of extraordinary scenic beauty of scholars and scientists and artists and poets, is in turmoil today. The angry young man of the Valley has taken to the gun. Trained and armed with modern weapons by the power across the border, the misguided youth has deeply disturbed the placid waters of the Jhelum. More than 5000 lives have been lost during the

last three years. The Pandits, whose forefathers had enriched the culture of Kashmir for centuries in a variety of ways and other Hindus, have left their homes and hearths for fear of their lives. The fabric of secular traditions of Kashmir has received a rude jolt. The tourist trade, the mainstay of the State's economy, has come to a grinding halt uprooting more than 25,000 families of Muslim artisans from their ancestral homes.

Pakistan has fought four major wars against India but has failed to secure Kashmir. On the contrary, it has lost about 500 sq. kilometres of territory in POK (Azad Kashmir) as a result of 1971 war. It lives in a fool's paradise if it thinks that it can grab Kashmir through subversion and terrorism, what it failed to achieve on the battlefield.

What is the wayout to settle the Kashmir problem which has bedeviled relations between India and Pakistan for the last 45 years and has cost them both heavily in man, money and material? Whether one likes it or not, the solution lies in accepting the Line of Control as international border.

A word of caution for those who demand scraping of article 370 of the Constitution of India. Our enlightened self interest demands that we honour the commitments made by us to the people of Kashmir. Let us deal with them with care, compassion, love and understanding and Kashmir shall remain with us for ever. This is the message of the book.

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Chapter I

Kashmir through the ages

PRIOR TO INDEPENDENCE, the number of princely states in India was 562 which covered 45% of the total territories of the country. The State of Jammu & Kashmir-Kashmir in general parlance - with a territory of 84,471 square miles was the largest territorial unit amongst them.

Known for its beautiful lakes, mountains, saffron fields, cherry blossoms and Chinar trees, Kashmir is certainly a 'Paradise on Earth'. It has been one of the most attractive tourist regions in the world since time immemorial. But more than that, it is strategically situated. In the north-east, it is bound by Tibet, in the north by Sinkiang province of China and in the north-west by Turkistan. In the west, it borders Pakistan and in the south, Himachal Pradesh and Punjab (India). The snow-bound outer Himalayas divide the State into three natural regions, namely, Ladakh, Kashmir Valley and Jammu. Srinagar in the Valley is the summer capital and Jammu is the winter capital of the State.

Kashmir is a multiracial, multilingual and multireligious State. According to the census of 1941, the total population of the State was 40,21,616. It consisted of 77.11% Muslims, 20.12% Hindus and 2.77% others, including Buddhists and Sikhs. About 34% of the population spoke Kashmiri, 15%

Dogri, 5% Bhotia and the rest Punjabi. It is a conglomeration of six distinct ethnic groups inhabitating in well defined zones of Jammu, Kashmir, Ladakh, Baltistan, Gilgit and the districts of south-west.¹

The population of the State according to 1991 census is 77,18,700 marking a rise of 28.92% over the population of 1981. The growth of population during the 1981-91 decade was the highest amongst all the major states in India. Though the population of the State has almost doubled since 1941, the multilingual or multi-religious character of the population has not materially changed. Of course, the continuous migration of Hindus from the Valley, since the terrorist activities took a serious turn in 1990, might have affected this complexion to some extent.

Kashmir has an uninterrupted written record of its history. Kalhana's monumental work, the 'Rajatarangini', written in 1148-50 A.D. describes the social, cultural and political events in Kashmir from the ancient period to the mid twelfth century A.D. The good work done by Kalhana was continued by Jonaraja, Srivara, Prajyabhatta and others for the period ending the Mughal conquest of Kashmir in 1586. The eighteenth century chroniclers, Halder Malik, Mohammed Azim and Narayan Kaul wrote the accounts concerning the Mughal period. The works of Lawrence, Vignes, Sir Francis, etc., provide description of events in Kashmir during the British rule in India. Could any other State or region in India boast of having such an unbroken chain of works on its history?

Historically and culturally, Kashmir has been a part of India. It had been one of the biggest seats of Indian culture and learning and a part of the great Indian empires during the Maurayan, Kushan, Vardhana, Mughal and the British periods. Whenever, however, the central power in India weakened or disintegrated, Kashmir became independent like any other region of the country. But even then the cultural and trade affinity of Kashmir with the rest of the country remained intact.

Prior to induction of Buddhism in Kashmir in the third century B.C. by the great Maurayan Emperor Ashoka, the

¹. Shishir Gupta Kashmir, p.23

people of Kashmir were followers of Shavism. Buddhism suffered a severe setback after Ashoka's death. It, however, again blossomed in the Valley in the first century A.D. in the reign of the Kushan Emperor, Kaniska. During this period, a general assembly of the Buddhist clergy was held in Kashmir. It was presided over by an immigrant Kashmiri, Buddhisatva Nagarjuna, who was author of the radical Madhyanika school of Buddhism. Nagarjuna is also known as father of Indian chemistry. Charak, the founder of the Indian system of medicine, who flourished during this century, was also a native of Kashmir.

The influence of Buddhism in the Valley gradually diminished after the fall of the Kushan empire. It co-existed with Hinduism till the seventh century A.D. During the next two centuries the State was ruled by the kings of the Karkota and Uptala dynasties who were staunch followers of Hinduism. Obviously Hinduism flourished by leaps and bounds during their rule at the cost of Buddhism. With the advent of Muslim rule in Kashmir in fourteenth century, Islam made a major dent in what was a Hindu preserve so far.

The State had a chequered history. During the ancient period, the Maurayas, the Kushans, the Hunas and Ujjain exercised their suzerainty over the State. The State was free from central domination in the seventh century. The local Karkota dynasty produced a brilliant prince in Lalitaditya who ruled over Kashmir from 724 to 761 A.D. He conquered Ladakh and at one stage, extended his sway as far as Bengal in the east and Konkan in the south. He built new towns, temples, including the famous temple of Martanda, stupas and vihars. Though he himself was a staunch worshipper of the Hindu God, Vishnu, he showed equal respect for Buddhism. Learned men like Bhavbhuti and Vakpatiraja adorned his court.

Another local ruler who left his mark on the history of Kashmir was Avantivaraman of the Uptala dynasty who ruled from 856 to 883 A.D. He concentrated on development rather than expansion in his territories. He had an engineer like Suyya, who introduced the science of irrigation engineering and executed many drainage and irrigation works which gave

philip to agriculture production. Like Lalitaditya, Avantivarman too founded towns like Avantipur and Sopore and constructed beautiful temples such as Avanteswamin, Avantiswara and Sureswara. He was a great environmentalist. While he imposed a general ban on the killing of any living creature, he took special measures to see that no animal or bird was put to harm in the Wular lake. He patronised scholars like Ramata, a grammarian and Bhat Kallata, a disciple of Vasugupta, the founder of 'Advita Saivism'. During his 28 year rule, Hinduism was at its zenith and Buddhism took the back seat in the State.

With the death of Avantivarman, the glorious days of Hindu rule ended. Henceforth, the successive Hindu rulers were mere birds of passage with the exception of a couple of rulers who left their names in history for one or the other reason. For example, the Kshtriya ruler Harsha (1063-89) of the Lohara dynasty, was out to destroy Hinduism in Kashmir. A despot as he was, he not only plundered the wealth of the temples but even went to the length of having excrement and urine poured over the faces of the divine images by the naked mendicants, according to Kalhana. A little later came Uccale (1101-11) and Jaya Sinha (1128-55) who repaired the damage done to the Hindu society and culture by their predecessor Harsha. Some of the temples and maths were restored and divine images reinstalled. Some new temples were also built and permanent endowments made for their maintenance. After this temporary revival of Hindu glory in the principality, Kashmir went into oblivion for another two centuries.

The peace in the Valley was suddenly disturbed in 1319 when Dulacha, a Mangol from Turkistan, invaded the kingdom. He slaughtered men and took away their women and children as slaves. He looted and burnt villages and reduced Kashmir to 'a region before creation'. In the midst of unsettled conditions a Ladakhi Buddhist, Rinchana, occupied the Valley after murdering Ram Chandra, who ascended the throne when King Suhadeva fled during the invasion of Dulacha. Rinchana wanted to embrace Hinduism but the Kashmiri Brahmans refused to accept him in the Hindu fold. He, therefore,

embraced Islam. Rinchana became the first Muslim ruler of Kashmir in the name of Sultan Sadruddin.

After the death of Sadruddin in 1323, Udyanadeva, a brother of Suhadeva, ascended the throne. He was only a figure head. Real power was vested in Shah Mir, a minister since the reign of Sadruddin. On the death of Udyanadeva in 1338, Shah Mir became the ruler of Kashmir in the name of Sultan Samsuddin. In the Mir dynasty came Sultan Sikandar in 1389 who changed the complexion of the population of the Valley by his fanatical Islamic zeal. Most of the Hindus, especially the prosperous Kashmiri Brahmins, left the State reducing the Hindus in the Valley into a minority. Those who still stayed in the Valley had to pay 'Jizia'. The Hindu temples were destroyed and idols broken. During Sikandar's regime a large number of Islamic scholars and saints and mullas came to Kashmir from Persia and Central Asia and spread the influence of Islam in the State. A number of mosques, including the Jama Masjid of Srinagar, were built during this period.

A dramatic change in the religious policy of the Sultanate came during the reign of Sultan Zain-ul-Abidin (1420-70). The Sultan was tolerant and kind. He recalled the Pandits who had fled from the Valley during Sultan Sikandar's rule and assigned them important posts in the administration to create confidence amongst the Hindus. He allowed rebuilding of the temples, revived Hindu learnings and banned cow slaughter as a gesture to the Hindus.

The State made tremendous progress in every field during Zain-ul-Abidin's regime. The Sultan constructed canals and bridges and reduced taxes which gave boost to agriculture, trade and industry. The cottage industries like wood carving, silk, shawls and carpets flourished. The Sultan built new towns and extended his territories by conquest. The 50 year long enlightened rule of the Sultan showed how a secular administration could bring peace and prosperity to all classes of people irrespective of their cast, creed or religion. Zain-ul-Abidin was in fact the forerunner of the great Mughal Emperor, Akbar in this respect.

The successors of Sultan Zain-ul-Abidin turned out to be thoroughly incompetent. The Chaks, an aggressive Shiya tribe

from the north, took over the State and persecuted the Hindus and the Sunni Muslims alike. In these unsettled conditions which prevailed for more than a century, the Mughal army occupied the State in 1589.

The Mughals made Kashmir a Suba. In 1592, the emperor Akbar himself visited Kashmir. Akbar's son and successor, Jahangir, visited the Valley six times. The latter was so much enchanted with the beauty of Kashmir that he described it as a 'garden of eternal spring'. The next Mughal Emperor, Shahjahan, also visited the State several times. Kashmir made fairly good progress during the reign of these three Mughal Emperors. Roads over Pir Panjal and Jhelum Valley passes were constructed to facilitate trade between Kashmir and the rest of India. A number of gardens, including the famous Nishat, Shalimar and Chashmeshahi were laid out and developed. During the reign of Aurangzeb, the Hindus, specially the Pandits, suffered persecution. They were made to pay 'Jizia'. All the same, there is little doubt that Kashmir enjoyed peace, prosperity and stability during the Mughal period.

The death of Aurangzeb was a signal to the disintegration of the great Mughal Empire. Like other parts of India, Kashmir too suffered from instability. This emboldened the Afgan king, Ahammed Shah Abdali, to despatch his army under his General Aquasi to invade Kashmir. The Afgans defeated the local ruler Quasim and established their rule in 1752. Aquasi, who became the first Governor, extracted Rs. one crore from the traders, some of whom committed suicide. Abdali's other Governors did still worse. One of them used to tie up the Pandits, two and two in grass sacks, and sink them in the Dal lake. Another made an 'improvement'. He used leather bags instead of grass sacks for drowning the Hindus and the Shiya Muslims. Still another was such a terror to the women that many people shaved the heads of their daughters and cut their noses, so that they looked ugly. According to Lawrence, the Afgans thought no more of cutting off heads of men than plucking flowers. The Afgan rule, which lasted 66 years, was a nightmare for the people of the unfortunate Valley. It has been described as 'the cruelest and the worst of all the regimes of Kashmir'.¹

1. Shishir Gupta, *Ibid*, p. 19.

The beginning of the nineteenth century saw the rise of Sikh power in Punjab. A leader of the harassed community of Pandits, Birbal Dar, went to Lahore and invited the Sikh ruler Maharaja Ranjit Singh to invade Kashmir. Ranjit Singh first attacked Kashmir in 1814 but withdrew. In 1819, however, the Sikh army succeeded in capturing the Valley. It was a great relief to the people of Kashmir to see the end of the cruel Afgan rule.

In the conquest of Kashmir, Maharaja Ranjit Singh's general Gulab Singh Dogra played an important role. In his earlier campaigns of Multan, Jullandhar and Peshawar too, Gulab Singh had displayed exceptional courage and qualities of leadership. The grateful Maharaja conferred on him the jagir of Jammu and the title of Raja in recognition of his services. Later on, Gulab Singh brought Ladakh, Skardu and Gilgit also under his control. He extended his sway even on Tibet which culminated in a treaty of friendship between the Emperor of China and Lama of Lasha on one side and the Sikh ruler Sher Singh and Raja Gulab Singh on the other.¹

The Sikh rule in Kashmir did not crown itself with glory. The main objective of the Sikh Governors was to extract maximum amount of money by fair or foul means regardless of the long term consequences on the economy of the State. When the Sikhs came to Kashmir, the State's revenue was Rs.62 lakh. By the time their rule ended, it came down to Rs.10 lakh. The farmers were taxed so heavily that within a few years village after village were found deserted. Forced labour (Begar) was a rule rather than an exception. The Muslims were particularly maltreated. Their mosques were locked. But for the intercession of Birbal Dar, who had invited Maharaja Ranjit Singh to Kashmir, the Sikhs would have blasted the famous Hamdan Mosque on the excuse that it had been built over a temple. The Mallas were forbidden to say 'ajan'. If a Sikh killed a Hindu, the compensation paid to his dependents was Rs. four. If, however, he killed a Muslim, the compensation was only Rs. two.

By 1818-19, the British had succeeded in establishing their stranglehold over the Rajputana states through treaties

^{1.} Lord Birdwood, *Two Nations & Kashmir*, p. 26 (foot-note)

and subsidiary alliances. Their eyes were now set on Lahore. Maharaja Ranjit Singh was, however, too strong to be subdued. Unfortunately, he died in 1839. With his departure from the scene; the Sikh power started dwindling. There was scramble for power amongst various factions of the Sikhs. They made Gulab Singh Dogra, a pillar of the Sikh empire, their enemy by murdering his brother Dhyan Singh. Having assured themselves of the neutrality of Gulab Singh, if not his active participation on their side, the British attacked the Sikh State. The Sikhs were defeated at the battle of Sobraon in 1845. Under the Treaty of Lahore the Sikhs had not only to part with a major part of the Lahore principality but had also to cede Kashmir in lieu of war indemnity.

Soon after the battle of Sobraon the British Government transferred Kashmir to Raja Gulab Singh of Jammu in consideration of which Gulab Singh paid Rs.75 lakh in two instalments under the Treaty of Amritsar signed on March 16, 1846. Referring to the transfer of this territory to Gulab Singh, article 3 of the Treaty says:

'In consideration of the transfer made to him and his heirs by the provisions of the forgoing article, Maharaja Gulab Singh will pay to the British Government the sum of seventy five lakh of rupees (Nanakshahee), fifty lakh to be paid on ratification of this Treaty and twenty-five lakh on or before 1st October of the current year A.D. 1846'.¹

The National Conference leader Sheikh Abdullah used to call this treaty as a 'sale deed'. Perhaps, Maharaja Gulab Singh too treated this transaction as 'sale'. Having made the payment and taken possession of the territory, he expressed regret that he had parted Rs.75 lakh for an area, three-fourth of which comprised mountains and the remaining one-fourth given away in Jagir grants.

However, according to the Governor-General Lord Hardinge, who signed the Amritsar Treaty on behalf of the British Government, the territory of Kashmir was transferred to Gulab Singh in order to create a large Rajput principality from the Ravi to the Indus as a counterpoise to the Sikhs on

¹. Lord Birdwood, *Ibid.* p.208.

the one hand and the Muslims on the other. Apart from the monetary and strategic considerations, another reason which must have weighed with the British Government in transferring Kashmir to Gulab Singh was the loyalty shown by him to the British during the battle of Sobraon. Under the same Treaty, Gulab Singh acknowledged the supremacy of the British Government in token of which he agreed 'to present annually to the British Government one horse, twelve goats of approved breed and three pairs of Kashmiri Shawls'¹. Be that as it may, Raja Gulab Singh became the ruler of the integrated State of Jammu and Kashmir, the largest amongst the princely states in India.

On the death of Gulab Singh in 1857, his son Ranbir Singh succeeded him. During his rule, prohibitive duties were levied on merchandise. Every thing in the State except 'water and air' was taxed. The famine of 1877 did the rest. The crops were destroyed. Thousands of people died of starvation. The villages lay in ruins. The capital, Srinagar, wore a deserted look. According to a memorandum submitted to the Viceroy during the great famine, the Maharaja drowned the people in boatloads in the Wular lake in order to save the expenses on feeding them².

Ranbir Singh died in 1885. He was succeeded by his eldest son Pratap Singh. Thanks to the intrigues of Pratap Singh's younger brothers, the British Government got an opportunity to interfere in the internal affairs of the State and imposed a Resident on the State. Shortly thereafter, Pratap Singh was deprived of all his powers and a Council of Regency was set up to administer the State. It was only after securing their interests fully on the northern frontier that the British restored the authority of the Ruler in 1905. By now, practically all important posts, including those of Ministers and Heads of Departments, were manned by outsiders to the consternation of the local people.

The people realised that lack of modern education had deprived them of responsible positions in the State. With the efforts of the Theosophical Society of India, the Kashmiri

1. See Appendix-I

2. Prem Nath Bazaz, Struggle for Freedom in Kashmir, p. 132.

Pandits established a college at Srinagar in 1905. It catered to the needs of Hindus. The State Government also started a college at Jammu during the same period, where also it were mainly the Hindus who were benefited. Reacting to these developments the Muslims, who formed a majority of the population, time and again approached the State Government to grant them some facilities to enable them to study modern education, but there was little response. The wealthy and influential Kashmiri Muslims settled in Punjab, set up an organisation and collected funds for granting scholarships to the poor and promising young Muslim boys of the Valley to prosecute their studies. Of course, only a few could take advantage of this facility which was obviously limited.

During Pratap Singh's rule, while higher services in the State were manned by Punjabis, clerical jobs went to Kashmiri Pandits who were making rapid advance in modern education. The Muslims continued to suffer as far as Government jobs were concerned. In 1924, a few leading Muslims submitted a charter of demands to the Viceroy, Lord Reading, during his visit to Kashmir. The charter, inter-alia, stated that the peasants should be given proprietary rights in the land titled by them, the system of 'begar' should be abolished, the Muslims should be employed in the State Government keeping in view their population, steps should be taken to provide them modern education and the mosques in possession of the Government should be handed over to them.¹

There was nothing unexceptional about these demands. Yet, the Maharaja took an offence and exiled the leaders and forfeited their property. The two Muslim religious leaders who were associated with the charter, were deprived of their 'official privileges'. The only concession the Maharaja made to the Muslims later on, was to abolish the obnoxious 'Muslim Marriage Tax'. The land revenue settlement conducted during his regime created more problems than it solved as far as the people of the Valley were concerned.

1. Prem Nath Bazaz, *Ibid*, p.138.

Chapter II

Rise of Nationalist Forces

MAHARAJA PRATAPSINGH had no male issue. His younger brother Amarsingh's son, Harisingh, was the nearest claimant to the throne. Since there was lot of adverse publicity in India and abroad against Harisingh for his alleged involvement in sex scandals during his stay in England, Pratapsingh wanted to deprive him of his right of succession and nominate his cousin, the Raja of Poonch, as heir-apparent. Amarsingh, who was then the Prime Minister of the State, thwarted his attempt. Harisingh accordingly succeeded the Dogra throne on the death of Pratapsingh in 1925.

The new Maharaja inherited a system of taxation and land tenure which allowed the barest margin of subsistence to the common man in the State. The production of silk, saffron, tobacco, wine and salt was a State monopoly. An ad-valorem duty of 85% was levied on all woollen manufactures. The incidence of land revenue was three times that levied in Punjab. The boatmen, butchers, bakers, carpenters and other artisans were taxed. Even prostitutes were not spared. The people in Kashmir Valley were discriminated against in the matter of settlement of land. While in Jammu the land-holders were declared as proprietors, in Kashmir the proprietorship was retained by the Maharaja and the land holders were merely tenants at will without having the right to alienate the

land by sale or mortgage. Yet curiously enough like British India, the organised movement for reforms in Kashmir started not because of the obnoxious nature of taxation or faulty and discriminatory nature of land tenure but because of denial of share in the public services to the people of the Valley, who were mostly Muslims.

During the reign of Maharaja Pratapsingh, the Punjabis dominated the services. The young Kashmiri Pandits coming out of universities and colleges carried out a well organised propaganda in the press in British India in the name of 'Kashmir for Kashmiris'. Consequently, the new Maharaja banned the employment of non-State subjects in public services. Simultaneously, he also forbade the transfer of land to them. The Punjabis had to go. But the Maharaja started 'Dograise' the services. He filled all important posts by his kinsmen, the Dogras, from the Jammu province, irrespective of their qualifications, experience or suitability. One Dogra, who was appointed as Head of a Department, was not even a literate and signed all official papers by thumb impression¹. The clerical jobs, of-course, went to the educated Kashmiri Pandits. The army was made the exclusive preserve for Dogras and other Rajputs. The Muslims of the Valley were no more than 'hewers of wood and drawers of water'. Even those few Muslims who somehow managed to study at the Lahore College and the Aligarh Muslim University, were given petty jobs of junior clerks and teachers.

The young and educated Muslims in the Valley organised themselves with the view to secure jobs in public services of the State under the leadership of Sheikh Abdullah. Born in 1905, in a village on the outskirts of Srinagar, Abdullah was the posthumous son of a shawl-weaver. After having studied at the Islamia College, Lahore, on a scholarship given by a trust set up for the education of poor and bright Muslim boys, Abdullah took his M.Sc. degree from the Aligarh University. It was with his strenuous efforts that Abdullah got a junior teacher's job in a Srinagar High School.

The propaganda in the Muslim press of Lahore against the 'Hindu Maharaja' of Kashmir reached its peak in 1931.

1. Prem Nath Bazaz, *Ibid*, p.148

This further poisoned the minds of the Muslims of the Valley who were already embittered because of the discriminatory policy of the Maharaja. The young leaders in the community organised meetings at various religious places from time to time and condemned the 'Hindu Government' of the Maharaja. At one such meeting held on June 21, 1931, one Abdul Kadir went to the length of preaching massacre of Hindus. He was arrested the next day and sent to the central jail of Srinagar. On July 13, a large crowd gathered outside the jail before the trial started. The police fired to disperse the crowd. Twenty-one persons were killed. The Muslims took the dead bodies in a procession in the city. The unruly mob damaged and ransacked hundreds of Hindu houses and shops and killed three and injured more than 150 Hindus. Several Muslim leaders, including Sheikh Abdullah, were arrested and interned in Hari Parbat Fort. The Muslims observed 'hartal' throughout the Valley. The Maharaja was un-nerved at the turn of events. He dismissed two of his ministers and appointed Raja Hari Kishan Kaul as Prime Minister.

Kaul soon realised that normalcy in the State could be restored only by the release of leaders interned in the Hari Parbat Fort. He released the leaders on the condition that they would not deliver speeches which might cause communal disturbances in the State. The economic issues facing the Muslim community, however, remained unresolved. The agitation, therefore, continued. On September 24, Sheikh Abdullah and some of his colleagues were arrested. Next day, thousands of people armed with all kinds of crude weapons paraded the streets of Kashmir. Three people were killed in police firing. The Maharaja handed over the capital to the army. Elsewhere the demonstrations continued. In Anantnag and Shopean, several people were killed in police firing. The Maharaja had to withdraw all repressive measures. The leaders were released on October 5, 1931. The Maharaja assured the people that he would consider the grievances of the people sympathetically. Thus ended one phase of the agitation. Though it was started mainly by Muslims, it remained non-communal in that no communal incident took place during the ten days long agitation.

The Maharaja appointed a Commission consisting of four non-official members with B.J. Glancy of the Political Department of the Government of India as Chairman on November 12, 1931. The Commission made, inter-alia, the following recommendations:

1. All religious buildings of the Muslims in possession of the Government should be restored to them.
2. The number of Muslim teachers should be increased and a special officer should be appointed to promote education amongst the Muslims who were more illiterate.
3. The recruitment to services and award of scholarships for equipping young men for Government jobs should be after due advertisement.
4. The due interest of any community in the representation in service should not be neglected.
5. Proprietary rights should be granted to peasants in respect of all Government lands.
6. Grazing tax should be abolished in certain areas.
7. All unauthorised exactions (lag-bags) should be put to an end.
8. Payment should be made at proper rates for all the services rendered.

The Maharaja accepted the recommendations in principle and implemented some of them such as handing over Muslim shrines to the community and payment for the services rendered. The other recommendations were not implemented under pressure from the Dogras and other reactionary elements, as that would have meant a challenge to their interests and supremacy in the State. Soon the Muslim Conference was formed with Sheikh Abdullah as President. It held its first session in Srinagar in October, 1932 and demanded implementation of the recommendations of the Glancy Commission and introduction of constitutional reforms in the State.

In the winter of 1934, the Muslim Conference decided to start agitation against the inordinate delay in the introduction

of reforms and giving adequate representation to Muslims in the State services. The working committee suspended the constitution of the Conference and appointed Ghulam Abbas, one of the members of the erstwhile Glancy Commission, as 'dictator'. Abbas prepared a detailed memorandum regarding the grievances of the Muslims in consultation with Sheikh Abdullah and Prem Nath Bazaz, another member of the Commission. In this memorandum Abbas demanded a system of joint electorate for elections to the State Assembly. This was the first indication of the Muslim Conference going secular. Abbas was arrested along with many other workers of the Muslim Conference.

The Maharaja held elections to the State Assembly in 1934. The Assembly consisted of 75 members of which 37 members were elected on the basis of limited franchise. The assembly was no more than a debating club. The only purpose it served was to bring the representatives of Hindus and Muslims together on one platform.

In 1935, Sheikh Abdullah and Prem Nath Bazaz felt that the time had come to reorient the State politics on secular lines. On August 1, they jointly started a Urdu weekly 'Hamdard' to popularise the ideology¹. Sheikh Abdullah appealed to the people of the State to rise above petty communal bickerings and work jointly for the welfare of the masses.

In May 1936, the Muslim Conference observed 'Responsible Government Day'. On an appeal by Sheikh Abdullah, Hindus also actively participated in the meetings held all over the State. The same year Prem Nath Bazaz formed the 'Kashmir Young League' which believed in the equality of all people in the State.

In his presidential address to the annual session of the Muslim Conference held on March 26, 1938, Sheikh Abdullah declared unambiguously that, 'We must end communalism by ceasing to think in terms of Muslims and non-Muslims and that there should be universal suffrage on the basis of joint electorate without which the democracy was lifeless'. He observed that the Muslim Conference should open its doors

¹. P. N. Bazaz, *Ibid.* p. 167.

to all such Hindus and Sikhs who believed in the freedom from the shackles of an irresponsible rule. He indicated that this would require rechristening of the organisation as a non-communal body¹.

In June 1938, the Working Committee of the Muslim Conference approved the proposal of Sheikh Abdullah to this effect. On August 29, twelve Hindu, Muslim and Sikh leaders issued a joint manifesto which declared that the movement for responsible government in the State was not confined to any community or section of the people. This followed repression. Hundreds of people including Sheikh Abdullah, Ghulam Abbas and Prem Nath Bazaz were arrested. For the first time, a number of Kashmiri Pandits fought shoulder to shoulder with the Muslims and suffered at the hands of the Dogra administration². Wisdom dawned on the Prime Minister, N. Gopalaswami Ayyenger. He released all political workers from jail in February, 1939.

A special session of the Muslim Conference was held at Srinagar on June 10, 1939 to consider the recommendations of its Working Committee, regarding rechristening the Muslim Conference and consequential changes in its constitution. The Conference approved the recommendations. It's name was changed to 'National Conference'. Ghulam Abbas declared at the session that the Muslim Conference had become outworn. The National Conference was thus born on the debris of the Muslim Conference on the morning of June 11 after night-long discussions on the resolution. It may be noted that smooth-sailing of the resolution was the result of an earlier understanding reached amongst Sheikh Abdullah, Ghulam Abbas and Prem Nath Bazaz that the National Conference would keep itself aloof from the Indian National Congress as well as the Indian Muslim League³.

At the Anantnag session of the National Conference held at the end of September, 1939, a resolution was passed to the effect that seats should be reserved for the minorities, i.e., Hindus, Sikhs and Buddhists in the Assembly and that all

1. P.N. Bazaz, *Ibid*, p.168.

2. P.N. Bazaz, *Ibid*, p.170.

3. P.N. Bazaz, *Ibid*, p.170.

safeguards and weightage should be guaranteed to them in the State's Constitution for the protection of their linguistic, religious, cultural, political and economic rights according to the principles enunciated by the Indian National Congress.

As if the Anantnag resolutions was not enough to bring the National Conference closer to the Congress, the Working Committees of the National Conference at the instance of its Hindu members passed a resolution at its meeting held at Mirpur on December 28, 1939 to the effect that Hindustani in both Persian and Deonagari (Hindi) scripts should be used in the Kashmir Civil Service Examination in place of Urdu in Persian script¹. The timing for such a resolution was hardly appropriate. One of the top leaders of the National Conference, Ghulam Abbas, resigned from the party along with most of the Muslim leaders from Jammu on the language issue.

In March, 1940 the Indian Muslim League passed a resolution in Lahore that only the creation of a sovereign Muslim majority state would be acceptable to Indian Muslims. This caught the imagination of the Muslims in Kashmir as well. A bewildered Shekh Abdullah felt that he was fast losing the confidence of the Muslims in Kashmir without correspondingly drawing a substantial section of Hindus closer to the National Conference. He changed his strategy and started speaking about the comparative greatness of Islam. He went even to the length of saying that he was 'Muslim first and Muslim last'. This led to the resignations of the two powerful Hindu leaders wiz. Jialal Kilam and Kashyap Bandhu from the National Conference to the discomfiture of Sheikh Abdullah.

In May 1941, Pandit Jawaharlal Nehru, himself a Kashmiri and a top leader of the Indian National Congress, came to Kashmir on a ten day visit as a guest of the National Conference. The visit could not have been more timely. Sheikh Abdullah and Bakshi Ghulam Mohammed left no stone unturned to make Nehru's visit a grand success. Nehru was accorded a tremendous welcome where-ever he went in the Valley. It looked, at least for the time being, as if Sheikh Abdullah had rehabilitated himself in the Hindu mind. The Hindus forgot the resignations of their two stalwarts from the National

¹ Prem Nath Bazaz, *Ibkd*, p.179-180.

Conference and started joining the Conference in fairly good numbers.

Nehru's visit brought Kashmir closer to India and boosted the image of Sheikh Abdullah in the eyes of the country as a whole. Sheikh started making banner-headlines in the Indian press. The visit also forged a link between the National Conference on the one hand and the Indian National Congress and the All India States People's Conference on the other.

The Mirpur resolution on language and Pandit Nehru's visit to Kashmir created an impression in the Kashmir Muslims that the National Conference was going the Congress way. The result was that when the annual session of the National Conference was held at Baramulla in September 1940, it was largely dominated by Hindu and Sikh delegates. No Muslims delegate from Jammu province except from Mirpur attended the session. In the meanwhile, the State Government issued orders recognising Urdu with Deonagari and Persian scripts as State language. This caused further resentment amongst the Muslims. Under fear of revival of the Muslim Conference, Sheikh Abdullah took somersault and condemned the Government decision. Prem Nath Bazaz, a prominent leader and a life long friend of Sheikh Abdullah, resigned in protest as a member of the Working Committee. After a few months, Bazaz and eight of Sheikh's supporters resigned from the primary membership of the National Conference. It was a big blow to the Conference.

When the Government did not withdraw the language order, all the eight members of the Assembly owing allegiance to the National Conference resigned. In 1941, Ghulam Abbas revived the Muslim Conference. He also succeeded in enlisting the support of Mir Waiz Usuf Shah, who was an influential religious leader in the Valley. The followers of the National Conference and those of the Muslim Conference now fought pitched battles on the streets of Srinagar. Sheikh Abdullah gradually developed friendly relations with the State's Prime Minister, Sir Gopalswami Ayyanger. In 1942, the Prime Minister rewarded the Sheikh's National Conference by nominating all the eight members, who had earlier resigned, as members of the Assembly. During the days of acute shortage of essential

commodities in 1942-43, the members of the National Conference were nominated by the Government on various rationing committees.

In March 1942, the Kashmir Socialist Party (KSP) was formed by Prem Nath Bazaz. In August 1942, the Congress launched the 'Quit India' movement. In Kashmir while the National Conference supported the movement, the other parties opposed it. The K.S.P. of Bazaz (like the Communist Party of India) opposed it on the ground that it was a movement started 'by the reactionary Indian nationalists as represented by the Congress'¹.

In 1943, Ayyanger had to resign as Prime Minister under pressure from the British Government on the ground that he was hand in glove with the nationalist forces in the State. He was succeeded by Raja Maharaj Singh. The appointment of Maharaj Singh was hailed by the Muslim Conference and the K.S.P. The Prime Minister granted permission to the K.S.P. leader Bazaz for the publication of the daily edition of the 'Hamdard'. Ayyanger had earlier rejected his request.

In July 1943, the Maharaja appointed a Commission with Chief Justice Sir Ganga Nath as Chairman to recommend constitutional reforms in the State. Mirza Afzal Beg and G.M.Sadiq of the National Conference were appointed as members of the Commission. No representation was given either to the Muslim Conference or to the K.S.P. Soon thereafter, Maharaj Singh resigned. He was succeeded by Sir Kailas Narayan Haksar.

During Haksar's tenure, Jammu faced scarcity of food-grains. The people took out a procession in the city to express resentment. Nine people were killed in the police firing. The Dogras of Jammu were indignant. Haksar was in trouble. The Maharaja decided to replace him by Sir Benegal Narsingh Rao, a Jurist and a Judge of the Calcutta High Court. Sir Benegal joined in January 1944.

¹ Prem Nath Bazaz, *Ibid.* p.191.

Chapter III

Autocracy Reigns Supreme

THE 'QUIT-INDIA' movement of August 1942 had undoubtedly hastened the independence of India. All the same the banning of the Indian National Congress and continued detention of its leaders and thousands of workers for nearly three years had created a vacuum in the nationalist movement in the country. The Muslim League had taken full advantage of the situation and strengthened its hold over the Muslim masses with the blessings and open support of the British Government which still believed in the policy of divide and rule. Kashmir, which had a prepondering majority of Muslims but had still been a citadel of nationalists, was also affected. The events in India had cast their shadows over the State.

The Muslim Conference, whose policy was akin to the Indian Muslim League, had started gaining ground amongst the Muslims at the cost of the National Conference. To maintain their hold over the Muslim masses in Kashmir, Sheikh Abdullah and his colleagues of the National Conference approached Jinnah in April 1944 to visit the State and help strengthen the unity of Muslims under the banner of the National Conference. Similar approach was also made to Jinnah by Ghulam Abbas of the Muslim Conference. Jinnah accepted the invitations of both the organisations and reached Srinagar in the evening of

May 10, 1944. The National Conference and the Muslim Conference vied against each other to accord a grand reception to the Muslim League leader.

The National Conference presented him a welcome address at the Pratap Park which was attended by thousands of Muslims, Hindus, Sikhs and others. Sheikh Abdullah addressed him as "the beloved leader of the Muslims of India". In his reply Jinnah thanked the National Conference for the reception of which even kings could feel proud of but that by doing so they had honoured the Muslims of India who were organised under the Muslim League.

On the same evening at the reception accorded to him at Drugjan by the Muslim Conference, Jinnah told the gathering that his sympathies were with the Muslim cause. If the crowd gathered at the two receptions was any indication, Jinnah must have realised that support enjoyed by Sheikh Abdullah in the Valley was far greater than that of his other host, Ghulam Abbas of the Muslim Conference. Both the organisations wanted Jinnah's verdict as to which of them truly represented the people of the State.

Jinnah stayed in Kashmir for more than two months and gave his verdict at the annual session of the Muslim Conference held in Srinagar on June 17, 1944. He declared that 99% of the Muslims who met him were of the opinion that the Muslim Conference alone was the representative organisation of the State's Muslims. Jinnah's figures were certainly inaccurate¹. His statement was not based on merit but on the basis of the sectarian character of the Muslim Conference. Ignoring the red carpet spread over by Sheikh Abdullah, Jinnah tried to twist the tail of the lion of Kashmir² and paid the price.

An enraged Sheikh Abdullah held meetings in several parts of Srinagar and opposed the 'anti-democratic' observations of Jinnah and served a notice on the League leader to leave Kashmir. He went to the length of saying that if he did not give up interfering in the internal politics of the

1. Lord Birdwood, *Ibid*, p.47

2. Abdullah was called 'Shere Kashmir' by his followers and admirers.

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State, it would be difficult for him to return to India in an honourable manner¹. Jinnah left Kashmir on June 25, 1944.

Jinnah for once missed the bus. He failed to grasp the hand of friendship extended by Abdulah who commanded the confidence not only of minorities but also of a large section of the Muslims in the State. If he had displayed statesmanship on the occasion and united the Muslims under the leadership of Abdullah, Kashmir would have been in his pocket for ever. The communalist in him, however, took the better of him and made to lose the golden opportunity offered by Abdullah on a platter. But for his miscalculations at this critical moment, the history of Kashmir and that of the Indian sub-continent would have been different.

It would be foolhardy to deny the impact created by Jinnah's long stay on the Muslims of Kashmir. The Muslim Conference got philip to a considerable extent. Its leader Ghulam Abbas was, however, no match for the National Conference stalwarts like Abdullah, Bakshi, Sadiq, etc. It is interesting to note that not a single leader of significance left the National Conference during this period.

In July 1944, Maharaja Harisingh returned from his European tour. The National Conference and the Muslim Conference competed with each other in according him receptions in the Valley. The surprise was that the Muslim Conference, under whose banner Jinnah had condemned the Hindu Maharaja for his tyrannical rule over the Muslims, displayed greater show of loyalty than the National Conference. The result was that whatever gain it made out of Jinnah's visit, was wiped out².

The National Conference now adopted an aggressive policy to win over the masses. As a first step it withdrew its nominees Mirza Afzal Beg and G.M. Sadiq from the Ganganath Commission appointed in July 1943 to recommend reforms in the State. In September 1944, the National Conference held its annual session at Sopore and adopted an ambitious, 'New Kashmir Manifesto'. The National Conference gave a call for establishment of a parliamentary form of government and

1. Prem Nath Bazaz, *Ibid*, p.211

2. Prem Nath Bazaz, *Ibid*, p.214-215.

abolition of landlordism, capitalism and private monopoly in the State. It declared Kashmiri, Dongri, Balti (Pali), Dardi, Punjabi, Hindi and Urdu as State languages and Urdu as 'lingua franca' of the State.

The same month the Ganganath Commission submitted its recommendations to the Maharaja. Knowing as he did that the recommendations would not satisfy even the most moderate sections of the people, the Maharaja wisely pigeonholed it in the context of the fast changing political situations in India. Mahatama Gandhi had been released from the Aga Khan palace jail on May 6, 1944 and the release of other top leaders of the Congress was on the agenda of the British Government. In October 1944, the Maharaja appointed Afzal Beg, a nominee of the National Conference, as Minister. In June 1945, Prime Minister Sir B.N. Rao was replaced by Rai Bahadur Ram Chandra Kak, a crafty Kashmiri Pandit, who had risen from the ranks.

The years 1945 and 1946 were momentous for the world as for India. The Second World War had ended. The Congress leaders like Nehru, Azad and Sardar Patel had been released in June 1945 after an incarceration of 34 months and 6 days. Soon thereafter the Viceroy, Lord Wavel, started discussions with the political leaders of various shades of opinion at Shimla for forming an interim Government at the Centre. The talks failed. Meanwhile, the Labour Party defeated the Conservative Party headed by Winston Churchill in the first post war general elections held in England. The Labour Party formed the Government with Clement Atlee as Prime Minister. Under instructions of the Labour Government, the Viceroy held elections for the Central Assembly and the Provincial Assemblies. In the Central Assembly, the Congress captured 56 seats and the Muslim league all 30 Muslim seats. The Congress came out victorious in 8 provinces including the Muslim majority province of NWFP, while the League formed coalition Governments in Sindh and Bengal. Inspite of the Congress success in the NWFP and the League's defeat in the Punjab, communal-divide in country was clear.

In Kashmir the ascendancy of Ram Chandra Kak as Prime Minister was the beginning of the ending of honeymoon between the State Government and the National Conference. In August

1945, the top national leaders like Jawaharlal Nehru, the Frontier Gandhi, Khan Abdul Gaffar Khan and Khan Abdul Samad Khan of Baluchistan came to Kashmir to attend the annual session of the National Conference held at Sopore. During the river procession, the volunteers of the Muslim Conference hurled stones, dirty rags etc., on the leaders though they escaped injury. The workers of the National Conference met violence with violence. The Sopore session held on August 3, 4 and 5 was a great success. It was attended by more than twenty thousand people. Nehru later on visited some of the strong-holds of the Muslim Conference and was enthusiastically welcomed by the people.

The All India States People's Conference held its annual session at Udaipur on December 31, 1945 and January 1, 1946 under the presidency of Jawaharlal Nehru. At this session, Sheikh Abdullah, who had caught the imagination of the people by his oratory and fiery speeches, was elected President of the AISPs Conference for the ensuing year unanimously with thunderous applause. The elections of Sheikh as President of the Conference linked Kashmir with India still more closely. We, young men, who had attended the session, were so much enamoured of his brilliant oratory that we attended quite a good number of meetings addressed by him at Udaipur, Bhilwara and Shahpura.

“When Rome was burning, Nero was fiddling”, this was actually the state of affairs in Kashmir in early 1946. Clement Atlee, Prime Minister of England, announced in Feb. 1956 that a high powered Cabinet Mission under the leadership of Lord Pathic Lawrence, Secretary of State for India, would visit India with a view to end British rule in India. With the fast changing political scenario most of the princes in the country started taking steps towards democratisation of their administration. Maharaja Harisingh was, however, more concerned with horse-racing in Bombay than with these developments. He had given free hand to Kak to run the Government of the State in the manner he liked. The National Conference nominee in the Cabinet, Afzal Beg, was not allowed to exercise his authority in his own Department of Public Works. The National Conference withdrew him from the Cabinet

as a protest. Before taking any further step to precipitate a crisis, Sheikh Abdullah proceeded to Bombay to request the Maharaja to democratise the Government to keep pace with the developments in the country. The Maharaja had no time for Sheikh Abdullah. The Maharaja not only refused to discuss with him about constitutional reforms but even to grant him audience. The wounded Lion of Kashmir returned to Srinagar in the middle of May and launched the 'Quit Kashmir' movement. Abdullah declared that the princely order in India should quit as a logical extension of the policy of the 'Quit India' Movement of 1942. In the various meeting he addressed at Srinagar from May 15 to 19 he exhorted the people to repudiate the allegiance to the Dogra ruler and force him to quit Kashmir¹.

Sheikh Abdullah suspended the programme of holding public meetings and left for Delhi on May 21 to consult Nehru. He was however, arrested by the State Police in the course of his journey and lodged him in Badami Bagh cantonment. Next morning about 300 workers including all important leaders of the National Conference were put behind the bars. The Government handed over Srinagar to the Dogra army which made the people passing through the streets to raise their hands and shout "Maharaja Bahadur ki jai". The army looted several shops in the main markets². There was an official anarchy in the city. Sheikh Abdullah was tried on various charges and sentenced to three years' rigorous imprisonment.

On June 18, 1946 Nehru decided to go to Kashmir as a mark of support to the movement launched by the National Conference. The State Government banned his entry into Kashmir. Nevertheless, Nehru entered Kashmir and was arrested at Domel. He was released after three days on the intervention of the Viceroy, Lord Wavel, as his presence at Delhi was necessary in connection with the talks going on between the Congress and the British Government. Nehru returned to New Delhi on June 22. In July the ban on Nehru's entry into Kashmir was lifted. He went to Srinagar again on July 24 and met Abdullah in the jail. His mission to bring about

1. Prem Nath Bazaz, *Ibid*, p.254.

2. Prem Nath Bazaz, *Ibid*, p.254.

rapprochement between the National Conference and the State Government failed but his visit cemented the ties between the people of Kashmir and the rest of India.

Elated with the success attained in suppressing the "Quit Kashmir" movement with a heavy hand, the Maharaja held a durbar and invited eminent leaders of public opinion except those of the National Conference. The KSP, the Kisan Majdoor Conference and even Mir Waiz Yusif Shah boycotted the durbar. Of-course, some of the leaders of the Muslim Conference attended it. Simultaneously, Jinnah issued a statement that the Kashmir Muslims did not support the "Quit Kashmir" movement. These events coupled with the prosecution of National Conference on charges of sedition raised the sympathy of the common men for Sheikh Abdullah and his party.

The Muslim Conference thought that now was the time to make hay while the sun shone. They decided to hold a plenary session of the Conference in October 1946. The Prime Minister Kak had so far given encouragement to the Muslim Conference as an anti-dot to the National Conference. The National Conference leaders already in the jail, Kak saw no reason now to prop up the Muslim Conference and allow it to gain strength. The State Government imposed a ban on holding public meetings and processions in Srinagar with a view to stop the Muslim Conference from holding its session. Ghulam Abbas held a public meeting at Jama Masjid on October 24 in violation of the ban. It was poorly attended. Next morning, Abbas and three of his senior colleagues were taken into custody and sent to jail. Surprisingly, there were no demonstrations against these arrests. As if it was not enough, the two leaders, Mir Waiz Yusuf Shah and Hamid Ulla started quarreling over the leadership of the Muslim Conference during the incarceration of its President, Ghulam Abbas. Foolishly enough, Abbas had written letters from the prison authorising each of them to assume the leadership of the Conference during his absence. The dissensions started at this point of time plagued the Muslim Conference for years even after the partition of India.

Taking for granted that the National Conference and the Muslim Conference had been buried knee-deep, Kak became

bold. He organised a new political party styled as "All Jammu and Kashmir State People's Conference" and held elections for the State Assembly on January 4, 1947. While the National Conference boycotted the elections, the Muslim Conference, the Kashmir Socialist Party, the Kashmir Pandits Conference, the Kisan Majdoor Conference and several other parties participated in the elections. With the leaders of the main political parties in jail, the elections were a big farce. The rigging did the rest. The henchmen of Kak were elected to the Assembly.

Kak thought that he was now in full command of the situation and was the supreme leader of the State. In June 1947, Kak lay hands on the Kisan Majdoor Conference and arrested its President Abbas Salam Yatu and three others. The last vestige of democracy was thus crushed as far as Kak was concerned. Durnken with absolute power, Kak failed to realise that the days of autocracy were numbered. Political changes of far reaching importance had been taking place in India. Kak's vision did not, however, extend beyond the Gupkar road. His interest centered round his own personal power. No wonder after his forced resignation in August 1947, he had to suffer indignities at the hands of the people. When the National Conference came to power, he was prosecuted and sentenced to imprisonment and fine on charges of corruption.

Chapter IV

Towards Integration with India

THE CABINET MISSION in its Memorandum dated May 12, 1946 made it clear that on transfer of power to Indian hands in British India, His Majesty's Government would cease to exercise the powers of paramountcy in relation to Indian States. The rights, which flew from their relationship to the Crown, would no longer exist and all rights surrendered by the States to the Paramount power would return to the States. The Memorandum stated that the void thus created would have to be filled either by the States entering into a federal relationship with the successor of Government or Governments in British India or failing this, entering into a particular political arrangement with it or them¹.

On June 3, 1947 the British Government, while announcing the partition of the Indian sub-continent into two sovereign states of India and Pakistan reaffirmed its policy towards the Indian States as contained in the Cabinet Mission's Memorandum of May 12, 1946. The British Government made it clear that it did not propose to recognise any State as a separate international entity.

¹. The White Paper on Indian States, March 1950, p. 153.

Since there was no democratic set up in any of the States, the implications of the Cabinet Mission Memorandum, as amplified from time to time, were that with the end of British rule in India the rulers were free to accede to India or Pakistan or to remain independent.

It may be recalled here that the Congress had formed an Interim Government at the Centre on September 2, 1946 with Jawaharlal Nehru as Premier and Sardar Patel as Home Minister. The Muslim League joined the Government at a later date. The Interim Government set up a States Department on July 5, 1947 under the charge of Sardar Patel with V.P. Menon as Secretary.

Sardar Patel issued a statement soon after formation of the States Department inviting the States to accede to the Indian Dominion in regard to three subjects namely Defence, Foreign Affairs and Communications. On July 25, 1947 the Viceroy Lord Mountbatten, at a special meeting of the Chamber of Princes, advised the Rulers to accede to the appropriate Dominion.

By August 15, 1947, the day India and Pakistan became sovereign Dominions, all the States geographically contiguous to India except Junagarh, Hyderabad and Jammu and Kashmir acceded to India though not without a storm in the tea-cup created by the maverick prince of Jodhpur with the connivance of the Nawab of Bhopal.

Junagarh, with an area of 3337 square miles and a population of 6.71 lakh, was bounded on three sides by the States which had acceded to India. On its fourth side was the Arabian sea. Eighty per cent of its population was Hindu. Ignoring the geographical as well as the demographic factors, the Nawab acceded to Pakistan on August 15, 1947. The Indian National Congress had never accepted the position that a ruler was free to accede to India or Pakistan or to remain independent ignoring the wishes of the people of his State. In any case, the existence of a State owing allegiance to Pakistan within the geographical limits of India was a cancer in the body politic of the country.

On September 25, the people of Junagarh set up a provisional government under the leadership of a freedom

fighter, Samaldas Gandhi, with the moral and material support of the Government of India and the people of the neighbouring Kathiawar States. The Government of India also sent troops to the neighbouring States to raise a blockade around Junagarh resulting in complete economic isolation of the State.

Finding that things were hotting up, the Nawab fled to Pakistan along with his family, valuables, cash and of-course, his dozens of pet dogs. The Dewan, Sir Shahnawaj Bhutto (father of Z.A. Bhutto) was left in charge of the State's affairs to fend for himself. In the developing situation Bhutto appealed to Jinnah, Governor General of Pakistan, to arrange for a conference of the representatives of the two Dominions to decide the Junagarh issue. As there was no appropriate response from Karachi, Bhutto entered into negotiations with Samaldas Gandhi and handed over the administration of the State to the Regional Commissioner for the Western Indian States on December 1, 1947. The accession of the State to India was completed by an almost unanimous vote of the people of the State in a referendum held in February 1948.

Hyderabad was the second largest State in India with a territory of 82,813 square miles. Its population was 1.65 crore according to the 1941 census. Like Junagarh the ruler of Hyderabad, His Exalted Highness, the Nizam, was also a Muslim. The Hindus constituted 86.5% and the Muslims only 12.5% of the State's population. But unlike Junagarh, Hyderabad was a land-locked State. Its 2600 mile long frontier touched the provinces of Bombay, Central Provinces and Barar and Madras. The State entirely depended on India on its railways and postal, telegraphic, telephonic and air communications.

The ruling house of Hyderabad was founded by Asaf Jaha, an officer of the Mughals, in 1713. Asaf Jaha died in 1749. As the Mughal empire disintegrated, his successor, Nizam Ali entered into treaties with the East India Company in 1766 and 1800 and placed his State under the protectorate of the British Government. The rest of the history of Hyderabad was no more than the perpetuation of its existence under the British umbrella.

Though the treaty signed between the Nizam and the British in 1800 guaranteed internal sovereignty, the British

Government as the Paramount power always claimed and exercised from time to time its prerogative of intervention in Hyderabad as in the case of any other State in India. In October 1911, a few months after the accession of Nizam Mir Usman Ali Khan to the throne, the Viceroy Lord Hardinge, warned him that, 'He was on trial for two years at the end of which it would be just as easy for the Government of India to appoint a Council of Regency as now'.

The State, which throughout its existence of about 200 years, remained a protectorate of one or the other Central power, started asserting that it would assume independent status after the end of British rule in India. It turned down the invitation of the Government of India 'to join in an honourable partnership with India on federal basis'. It was after prolonged negotiations that it signed the 'stand-still agreement' with India on November 20, 1947. But unfortunately, it failed to observe even this limited agreement faithfully.

The Itthad-ul-Musalmin and its militant wing, the Razakars, vowed to fight to the last to maintain the supremacy of the Muslim power not only in Hyderabad but in the entire Deccan. They had undoubtedly the moral and material support of the Nizam. The Razakars sent agents all over India to induce Muslims to migrate to Hyderabad in large numbers. Simultaneously, they created panic and communal disorder in the State to compel Hindus to leave the State. The object behind this two pronged drive was to turn the Hindu majority State into a Muslim majority one.

The communal disturbances in the State, which took the toll of hundreds of people, caused serious concern to the Government of India specially because of their possible repercussions in other parts of India. The protected negotiations of more than a year with the Nizam and his representatives for peaceful settlement of the accession issue did not bear fruit. On the contrary, the law and order situation in the State continued to deteriorate. There was now no alternative for the Government of India but to force the Nizam to accede to India in accordance with the wishes of the people of Hyderabad. The Indian armed forces entered the State on September 13, 1948. The 'police action' was over within 108 hours. On

September 21, the Nizam acceded to India. The jubilant people of Hyderabad accorded a tumultuous welcome to the triumphant Indian army commanded by Gen. J.N. Choudhary.

The question of accession of the third State, i.e., Kashmir was far more complicated than that of Junagarh or Hyderabad. Kashmir was geographically contiguous to both India and Pakistan. The majority of the population of Kashmir was Muslim. But the hereditary ruler, who alone was entitled to sign the instrument of accession or declare the State as independent, was a Hindu.

Maharaja Harisingh was fully conscious that being himself a Hindu ruler, his position and even his throne would be in a jeopardy, if he acceded to the theocratic state of Pakistan. His wife and his Guru Sant Deo, who was his friend, philosopher and guide, also counseled him against joining Pakistan. If the Maharaja was opposed to joining Pakistan, he was not inclined to accede to India either. He was aware that he would lose his vast powers in the democratic setup of India, where the Indian National Congress had all along been supporting the demand of the people of the States for establishment of responsible governments with Rulers remaining titular heads. No love was lost between him and the pro-Indian National Conference leader Sheikh Abdullah who had still been languishing in jail since May 1946 for launching the 'Quit Kashmir' movement directed against the Maharaja himself and his dynastic rule. The Maharaja equally disliked Pandit Nehru, the Prime Minister of India, who supported Sheikh Abdullah and his National Conference. In fact only a few months back he had him arrested when he (Nehru) went to Kashmir to extend moral support to the movement launched by the National Conference. No other ruler in India faced a greater dilemma than Maharaja Harisingh on the issue of accession.

The situation in Kashmir on the eve of independence was that the leaders of all major political parties, viz., the National Conference, the Muslim Conference, the Kisan Majdoor Conference, etc., were in jail. The Prime Minister Kak was hobnobbing with Pakistan politicians promising them Kashmir on a platter¹. Now even the Kashmiri Pandits were unhappy

1. M.C. Mahajan, *Accession of Kashmir to India*, p. 2.

with him. In June 1947, the Kashmiri Pandits Conference passed a resolution of "no-confidence" in Kak.

In July 1947, Lord Mountbatten visited Kashmir. He advised the Maharaja to accede to Pakistan as his was a Muslim majority State. Mountbatten's assertion at a meeting of the East Indian Association in London to the effect that in tendering the above advice to the Maharaja he had the backing of Indian leaders does not appear to be correct. In a secret report sent by him to the Secretary of State, Mountbatten had clearly stated that before his departure for Kashmir, Gandhiji and Nehru had told him that the Maharaja should be advised that "he should make no declaration of independence and that he should indicate his willingness to join the Constituent Assembly of India"¹.

Needless to say that the Maharaja spurned the advice of the Viceroy. By early July, he made up his mind to declare independence. The pro-Pakistan Muslim Conference had even sent a telegram to the Maharaja congratulating him for his decision². On August 1, Gandhiji visited Kashmir and met the Maharaja and the Maharani. Later on, Gandhiji wrote to Sardar Patel in a letter that Maharaja had agreed that he would follow the will of the people. He also indicated in the letter that the Maharaja would remove Kak³. The latter resigned on August 10 and was succeeded by Gen. Janak Singh Dogra as Prime Minister. The supporters of the National Conference celebrated the occasion with illuminations. It was a clear indication that the Maharaja was coming closer to the National Conference after a break of more than a year.

Soon after Kak's resignation, the State Government approached India as well as Pakistan to enter into 'stand-still-agreement' for continuing the existing economic and administrative relations pending decisions on the accession issue. While India wanted time to examine the implications of the proposal, Pakistan readily accepted the request and signed the agreement. On the same day, an agency message flashed

1. Collins & Lapierre, Mountbatten and the Partition of India (1983), p. 153.

2. Shishir Gupta, *Ibid*, p. 95.

3. Prem Nath Bazaz, *Ibid*, p. 274.

from Srinagar stated that a proposal to hold a referendum was under the active consideration of the Maharaja to decide whether Kashmir should join India or Pakistan.

Pakistan lost patience. It wanted Kashmir to join Pakistan here and now irrespective of the wishes of the Maharaja and the people of the State. It stopped the supply of food-grains, petroleum products and other essential commodities even before the ink of the stand-still agreement was dried up. As if the economic blockade was not enough to coerce Kashmir into accession, it started applying pressure on Kashmir in various other ways. Armed gangs from the border districts of Pakistan continued infiltration into Kashmir throughout September, while the State forces were engaged in maintaining law and order arising out of the mass migration of people from Pakistan to India and vice versa through Jammu and Kashmir. On September 18, the Kashmir Socialist Party led by Prem Nath Bazaz and on September 22, the Muslim Conference demanded immediate accession of Kashmir to Pakistan. The law and order in Srinagar would have surely broken down at this moment but for the volunteers of the National Conference.

In view of the critical situation faced by the State, some well meaning people including Thakur Nachint Chand brought rapprochement between Sheikh Abdullah and the Maharaja. The main hurdle in this direction had already been crossed with the removal of Ram Chandra Kak as premier. Sheikh Abdullah wrote to the Maharaja on September 26, 1947 from the jail that he and his party had never harboured any sentiments of disloyalty towards him and his dynasty. He also assured him of his steadfast loyalty in future. Three days later Abdullah was released. Pakistan termed his release as a conspiracy against it. A little later, other leaders and workers of the National Conference were also released. At the same time, the leaders of pro-Pakistani parties were arrested. Among them was Prem Nath Bazaz¹. On October 15, Gen. Janksingh was replaced by Mehar Chand Mahajan as Prime Minister.

Pakistan now started its military activities in a clandestine manner. In the darkness of early morning of October 22, about 4000 frontier tribesmen fully armed with modern weapons

1. Prem Nath Bazaz, *Ibid.*, p.364.

entered Kashmir. A detachment of the tribesmen commanded by one Haiyat Khan captured Muzaffarbad before dawn. Srinagar was only 135 miles away from here. Haiyat Khan boasted that he would hoist Pakistan flag in Srinagar before sun-set. To the dismay and the disappointment of their commander, the tribesmen, instead of marching towards Srinagar, wasted valuable time in looting the bazars of Muzaffarbad. They ransacked Government Offices, burnt a gurudwara and raped and abducted hundreds of women. They left the town only when there was nothing left for looting.

The main column of 2000 tribesmen moved with Major Khurshed Anvar. It captured Domel on October 23. The next two days saw the fall of Garhi and Chinari and the destruction of Mahoora power house which supplied power to Srinagar. After capturing Uri the raiders entered Baramula on the night of October 26 and started killing non-Muslims and looting and burning of houses and raping of women. They ransacked the St. Joseph Convent and shot dead Mother Superior, some nuns and others. The result was that only 3000 people survived out of the total population of 14000 of the town. Srinagar was still 30 miles from here. If the raiders, instead of indulging in loot, arson and rape at Baramula for quite a few days, had marched straight to Srinagar, the fate of the town and perhaps of the Valley would have been quite different, as the Indian Army was still not ready to defend it. It was, however, no to be. Jinnah waited in vain at Abbotabad for his "triumphant" entry into Srinagar.

The news of the fall of Muzaffarbad reached New Delhi on October 24. On the same day an SOS of the Government of Kashmir for military help reached New Delhi. The very next morning V.P. Menon, Secretary, Ministry of States, was rushed to Srinagar. He met the Maharaja and told him that the Indian army could come to Kashmir's help only, if the State acceded to India. The Maharaja agreed to accede to India. Before leaving Srinagar, Menon advised the Maharaja to move immediately to Jammu in view of the threat posed by the Pakistan raiders. The Maharaja at once left for Jammu along with one hundred trucks loaded with his luggage and valuables.

By the evening of October 25, the Maharaja was in his Jammu palace. Before he went to sleep, he gave his pistol to his body guard with instructions to shoot him (Maharaja) down while in sleep, if Menon did not turn up next morning as promised. The body-guard was, however, saved of the agony of performing the unpleasant task entrusted to him by his master. Menon returned to Jammu on the morning of October 26 well before the appointed time along with the draft instrument of accession. The Maharaja signed the instrument of accession without any preconditions. In this, he had the unqualified support of Sheikh Abdullah, the leaders of the National Conference, which enjoyed wide support in the State. The Maharaja also intimated to Menon that Sheikh Abdullah would carry the responsibilities in the emergency with his Prime Minister. Menon returned to India the same evening along with the instrument of accession.

On October 27, 1947 the Government of India accepted the accession with the condition that the question of State's accession would be settled finally by a reference to the people as soon as law and order had been restored in the State and its soil cleared of the invaders¹. The action of the Government of India treating Kashmir's accession to India as provisional has often been criticized ignoring the fact that if the condition of ratification by the people had not been attached, India would not have been justified in their actions in Junagarh and Hyderabad. Be that as it may, the accession provisional or otherwise, paved the way for the entry of the Indian armed forces into Kashmir just at a moment when the Pakistani raiders were knocking at the door of Srinagar.

¹ Appendix-I (Letter from M. Harisingh to Lord Mountbatten dated October 26, 1947 and reply from Mountbatten to M. Harisingh dated October 27, 1947).

Chapter V

The First Indo-Pak War and Cease-fire

FOLLOWING THE ACCESSION of Kashmir to India, the first contingent of the Indian air-borne troops landed in the morning of October 27, 1947 at the Srinagar airport at a critical moment when the airport might have been in enemy's hands within a few hours, nay a few minutes.

India had to grapple with numerous problems arising out of the partition of the country in August 1947. It had lost its granary in Punjab in that out of 260 lakhs of acres of land irrigated by the Indus-river system in undivided India, as much as 210 lakhs of acres had gone to Pakistan. It had to feed and rehabilitate millions of refugees uprooted from the areas which were now parts of Pakistan. Its defence forces, their material and equipment still in the process of being divided, had to deal with communal disturbances taking place on a large scale in various parts of the country. The problem of defending Kashmir against Pakistani invasion could not have come at a more inopportune time.

The defence forces rose to the occasion. They displayed a remarkable ability to make the gigantic air lift a success.

Over a hundred civilian air-crafts, all Dacotas, were mobilised to fly troops, equipment and supplies to Srinagar. Lord Mountbatten, the then Governor General of India, commented that in all his war experiences he had never heard of an air-lift of the nature put into operation at such a short notice. The Indian troops halted the advance of the raiders who were vastly superior in number and well trained in modern methods of war-fare. However, it was not until November 7 that the Indian army went on to the offensive with three battalions and a squarden of armoured cars. The first engagement, which took place just four miles from Srinagar, lasted 12 hours. The invaders fled in utter disorder leaving 500 dead. On November 8 the troops captured the strategic town of Baramula. Continuing the advance, they occupied the Mahoora power house. They captured Uri, which was 65 miles from Srinagar on November 15. Srinagar was now safe.

Meanwhile, the situation in Jammu caused anxiety. The only road link between India and Jammu was under enemy threat. The Kashmir State Forces, which had taken up positions in the key towns of Mirpur, Kotli, Poonch, Jhanger, Naushera, Bhimbar, Rajauri and Beri-Pattan, were under seize. The Indian troops were diverted to these towns. They relieved the beleaguered garrisons and saved the lives of thousands of refugees who had migrated to these towns from the country side for safety.

In the second stage of operations, the Indian troops could advance only slowly on the narrow fair weather roads connecting Jammu town with areas occupied by the Pakistani tribesmen, as the winter had set in. However, by the time the cease-fire took place on January 1, 1949, they had recaptured Nowshera, Jhanger, Mendhar, Poonch, Uri, Teetwal, Zogilla pass and Kargil. They also saved the strategic town of Leh from falling into the enemy hands. The town was 20,000 feet above the sea level. It was a rare feat that our airmen were able to maintain supplies to the garrison here. India succeeded in recovering 60% of the territory of the State.

Amongst the many battles fought in Kashmir, those of Naushera and Poonch will be remembered as a saga of courage, endurance and tenacity of purpose in the history of independent

India. In the battle of Naushera, as many as 2000 raiders were killed and many more wounded. The garrison at Poonch, had been holding out against overwhelming odds. The town, which had forty-five thousand people, mostly women and children, was beset on all sides by the raiders. The defence of the town was not the only worry of the garrison commander. The population had to be fed and food was scarce. The winter was approaching and the refugees in the town were scantily clad. The commander with the help of his men and 6000 civilians constructed an air strip which enabled the Indian Air Force to land mountain artillery, arms, ammunitions and food supply. In due course, a battalion of the Indian army also landed there. For eight months the garrison defended the town gallantly until a column of the Indian army, fighting its way from Rajaouri through the 60 miles of enemy territory, reached Poonch on June 22, 1948 and relieved the garrison and rescued the refugees who had far outnumbered the local population of about ten thousand¹.

Pakistan's complicity in the tribal attack on Kashmir was abundantly clear right from the beginning. The tribesmen were recruited by the officials of the Provincial Government of the NWFP and trained and armed with modern weapons by the Pakistan army. The raiders, who launched attacks from Pakistan territory, were supplied transport, petrol and other necessities by Pakistan. Besides, three brigades of the Pakistan army fought side by side with the tribesmen in Kashmir as revealed later on.

On November 1, Lord Mountbatten, Governor General of India, went to Lahore to attend the Joint Defence Council, where he met his counterpart, M.A. Jinnah. Lord Mountbatten suggested to him that a plebiscite could be held under the auspices of the U.N. to decide finally the fate of Kashmir. Jinnah rejected the offer and made a counter proposal to the effect that 'the two Governor Generals (Mountbatten and Jinnah) should be given plenary powers to settle the matter'. Mountbatten replied that it would be constitutionally improper for him to undertake this duty. The offer of holding plebiscite in the State under the auspices of the U.N. was out-right

1. Lt. Col. Maurice Cohen, *Thunder over Kashmir*, p.48

rejected by Pakistan itself at a very early stage. It is, therefore, surprising that Pakistan started insisting for it later on.

Though the military situation was considerably favourable from India's point of view by December 1947, the fighting in the coming months in the wintry conditions of the State was going to be extremely difficult. Unlike the Srinagar Valley, the population in 'Azad Kashmir' territory was hostile and neither Sheikh Abdullah nor the National Conference had any influence over there. The logistics too were totally unfavourable to India. It was clear not only to the Government of India but to the Indian army as well that further advance of the Indian forces was going to be a long drawn-out affair, even if more battalions were thrown in. Besides, the Indian side realised that continuation of war now would involve crossing the international frontier and carrying the war on to the Pakistan soil which would be "politically unwise and physically difficult". India, therefore, decided to take up the matter to the U.N. for vacation of aggression by Pakistan in the rest of Kashmir.

The first indication of India's intention to move the U.N. came in a letter dated December 22 from Prime Minister Nehru to Pakistan Prime Minister, Liaquat Ali Khan, in which India formally asked Pakistan to deny raiders all access to and use of Pakistan territory for operation against Kashmir and all military and other help, failing which the letter stated, India would be compelled to take such action, consistent with the provisions of the U.N. Charter, as it might consider necessary. To this communication, the reply of the Pakistan Minister came on December 30 after one or two reminders. While welcoming the intentions of India to invite the intervention of the U.N. in the Kashmir affair, Liaquat Ali Khan suggested in his lengthy letter that "a reference to U.N. must embrace all the fundamentals of the differences between the two countries".¹

On January 1, 1948 the Indian representative at the U.N. transmitted to the President of the Security Council a complaint requesting the Council to ask the Government of Pakistan to prevent their army personnel and national from participating

1. White Paper on Kashmir, p. 74-86.

or taking part in the invasion of Kashmir and to deny the invader the use of its territory for operation against Kashmir.

Sir Gopalaswami Ayyanger, the Union Minister without portfolio, presented the case before the Security Council on behalf of India. He argued that the only issue needing urgent attention was withdrawal of raiders from the State before the area of conflict between the two countries widened. He was followed by Sir Mohammad Zafrulla Khan, Foreign Minister of Pakistan. In his marathon speech lasting more than 5 hours, Sir Zafrulla wanted withdrawal of all outsiders, setting up an impartial administration and holding a plebiscite in the State. He also wanted the Security Council to arrange for evacuation of Junagarh and Manavdar by India.

Though there were a couple of members who appreciated India's stand, the trends in the Council were generally in Pakistan's favour. Instead of attending to India's complaint, the majority of the members led by the United States took the stand that fighting in Kashmir could not be stopped without an overall solution of the problem and that an impartial interim administration should be set up after which the Security Council should hold plebiscite under its authority. The complainant (India) was thus put in the dock.

There was alround resentment in India of the manner in which it was treated by the Security Council in general and the United States in particular. The fund of good-will created by the U.S. during the last phase of India's freedom-struggle was dried up overnight. The people openly criticised the Govt. of India and the Prime Minister Nehru for going to the U.N. Sardar Patel dubbed the Security Council as 'Insecurity Council'. Nehru himself declared at a public meeting in February 1948 that 'In stead of discussing and deciding on our references in a straight forward manner, the nations of the world sitting in the body got lost in power politics'. The Security Council at that time consisted of Syria, Columbia, Argentina, Belgium, Canada and Ukraine apart from 5 permanent members, the U.S., the U.S.S.R., the U.K., France and China.

The Security Council discussed several proposals and passed quite a few resolutions on Kashmir. The most important of them was the resolution of April 21, 1948 sponsored by

the U.S., the U.K., China, Belgium, Canada and Columbia. It recommended measures 'to constitute overall settlement of the problem'. The first part of the resolution envisaged withdrawal of all Pakistani tribals and nationals from Kashmir and progressive reduction of Indian forces till only a minimum strength required for maintaining law and order was left. The second part required the setting up of an interim Government in Kashmir consisting of representatives of the major political parties, appointment of a Plebiscite Administrator and holding of a plebiscite in the State. Both India and Pakistan rejected the resolution.

The Security Council now appointed a Commission consisting of the U.S., Argentina, Belgium, Columbia and Czechoslovakia known as the United Nations Commission for India and Pakistan (UNCIP) and charged it with the responsibility of evolving an agreed basis of settlement of the entire problem. The Commission reached the sub-continent on July 7, 1948. The Pakistan Foreign Minister, Sir Zafrulla Khan, met the Commission on August 4, 1948 and informed it that three brigades of regular troops were in Kashmir since May 1948. Pakistan had not so far informed the U.N. about it earlier, although it was obligatory on its part to do so in the light of an assurance given by it to the Security Council on January 8, 1948.

The revelations made by Sir Zafrulla Khan materially changed the situation. The Commission told Pakistan that 'their act was a violation of the international law'. Sir G.S. Bajpai, Secretary General of the External Affairs Ministry, Government of India, made it clear to the Commission that if the future of Kashmir was to be determined by the arbitrament of the sword, then the Commission should recognise that the offer of plebiscite could not remain open. India, however, did not take its stand to logical conclusion. It, perhaps, did not want to escalate the undeclared war between the two countries.

The Commission adopted a resolution on August 13, the first part of which required the Indian and Pakistan Governments to issue simultaneously a 'cease-fire' order to be supervised by the military observers appointed by the Commission. Part II of the resolution enumerated the principles of a truce

agreement. It asked Pakistan to withdraw its troops, tribesmen and nationals from Kashmir as a first step. It stated that soon after Pakistan did so, India would withdraw the bulk of its forces, leaving such minimum forces in the State as were considered necessary to assist local authorities for maintaining law and order. Part III of the resolution laid down that upon acceptance of the resolution, both Governments would enter into consultations with the Commission to determine conditions for a fair and equitable plebiscite.

The Commission issued clarifications in the form of a supplementary resolution in view of numerous objections raised by Pakistan and a few by India. Accepting the resolutions, the two Governments ordered a cease-fire effective from one minute before midnight on January 1, 1949. It was, however, not until July 1949 that a cease-fire-line was established and the agreement signed by the two governments.

It is interesting to note that while the Commission (UNCIP) was still discussing the modalities of 'cease-fire' with India and Pakistan, the military commands of both the countries had made up their minds and had brought round their respective governments to agree to a cease-fire. The Acting Chief of General Staff, Brig. Manekshaw, as he then was, sent a top secret telegram on December 30, 1948 on behalf of the Gen. Bucher, C in C of India, to Gen. Gracy, C in C of Pakistan with the approval of the Government of India to the effect that in view of the political developments, it would be senseless to continue the war and that if Pakistan too agreed, cease-fire could be ordered¹. Pakistan responded immediately. It was in this context that the two countries agreed finally to the cease-fire two days later on UNCIP's proposals.

¹. Lord Birdwood, *Two Nations and Kashmir*, p. 215. Manekshaw's Telegram at Appendix-III

Chapter VI

Failure of U.N. Mediation

THOUGH THE GOVERNMENTS of India and Pakistan had agreed to cease-fire effective from January 1, 1949, the efforts of 'United Nations' Commission for India and Pakistan at mediation between India and Pakistan on various issues connected with demilitarisation, failed. On August 31, the Commission proposed arbitration and named Admiral Nimitz as the sole arbitrator. Pakistan accepted the proposal but India rejected it.

On December 17 the Council named its President, Gen. McNaughton of Canada, as the 'Informal Mediator' for resolving the demilitarisation issue. The General submitted his proposal on December 22, 1949. It substantially modified the UNCIP's resolution to the advantage of Pakistan. The proposal suggested progressive reduction of armed forces on either side of the cease-fire line and disbanding of the armed forces and militia of the State of Kashmir on one side and the Azad forces on the other. It further suggested that the administration of the 'northern area' be continued by the local authorities subject to the U.N. supervision. Pakistan accepted the McNaughton proposal but India suggested major amendments. India, inter alia asked for the return of 'northern area' of the Government of Jammu & Kashmir. The General reported failure of his mission to the Security Council on February 3, 1950.

The Security Council resumed discussion on the Kashmir question on February 7, 1950. The President of the Council introduced a resolution on behalf of the U.S., the U.K., Norway and Cuba calling upon India and Pakistan 'to execute within 5 months a programme of demilitarisation on the basis of the Mc-Naughton proposal'. The resolution envisaged termination of UNCIP and transfer its power to a U.N. representative. The Council adopted the resolution on March 14, 1950. After considering several names, the Council appointed an Australian jurist, Sir Owen Dixon, as U.N. representative in consultation with India and Pakistan on April 12, 1950.

Dixon arrived on the sub-continent in May. He held preliminary discussions at Delhi and spent more than a month in Kashmir to study the situation first hand. He met the Prime Ministers of the two countries consecutively for 4 days in July in New Delhi. He admitted that Pakistan had violated International law when its forces and tribesmen crossed the frontiers of Pakistan into Kashmir. He, however, insisted for the withdrawal of Indian forces and disbandment of the Jammu and Kashmir State forces and the State militia simultaneously with the withdrawal of Pakistani forces and disbandment of the Azad forces and the northern scouts. Dixon thus equated India, the complainant, with Pakistan, the aggressor practically in every respect. Dixon also suggested formation of the National Conference and the Muslim Conference (Azad Kashmir). India rejected the Dixon proposals outright.

Dixon now came to the conclusion that partition of the State was the only solution. He proposed to the two Prime Ministers a plan by which it was assumed that certain areas were bound to vote for accession to India and some others to Pakistan. These area should, therefore, be allotted to India and Pakistan as the case may be, without plebiscite and that plebiscite should be held in uncertain areas, namely, the Kashmir Valley. India agreed to consider this approach. Pakistan too agreed to consider an outright partition of the State, provided Kashmir Valley was handed over to it without plebiscite. India rejected Pakistan's suggestion. Dixon's mediation mission thus failed. He returned to Lake Success and reported to the Security Council that the initiative be passed back to the parties. It was in August 1950.

Now the Commonwealth came on the scene. The Commonwealth Premiers at a conference held in London in January, 1951 tried informally to mediate between the two countries. One of the proposals made at the conference was to station Commonwealth troops in the State during the plebiscite. India flatly refused and the matter ended there.

The Kashmir issue came up before the Security Council again in February, 1951. The Council accepted the resignation of Dixon and appointed Dr. Frank Graham as U.N. representative in his place. It authorised Dr. Graham to effect demilitarisation of the State and present plans for a plebiscite and secure agreement of India and Pakistan to it. Finally, the Council called upon the parties, in the event of disagreement, to accept arbitration on all outstanding points of differences by the arbitrator or a panel of arbitrators appointed by the International Court of Justice in consultation with the parties.

While Pakistan accepted the resolution, India rejected it particularly the arbitration part of it. Pakistan now started anti-India campaign. The Governor General of Pakistan, Nazimuddin, declared at a public meeting that Pakistan would remain incomplete until whole of Kashmir had been liberated. The press in Pakistan compared Kashmir to Karbala and branded Nehru as a brigand and a plunderer. There was open talk of revival of 'Zihad'. There were frequent violations of the cease-fire line. India warned Pakistan that an attack on Kashmir would be an attack on India. The National Conference criticised the U.N. resolution as interference with Kashmir's right of self determination and proceeded with the formation of a Constituent Assembly to frame a constitution of the State notwithstanding the hue and cry in Pakistan. It was in this tense atmosphere that Dr. Graham arrived in the sub-continent in June 1951.

Dr. Graham submitted his proposal for demilitarisation and appointment of a Plebiscite-Administrator to the two countries. The proposals were based more or less on the scheme of demilitarisation earlier sponsored by Dixon and rejected by India. The latter had not agreed to the simultaneous withdrawal of its forces from Kashmir then and could not agree to do so now. Dr. Graham recommended to the Security

Council that further efforts be made to obtain an agreement on demilitarisation through negotiations at Lake Success. Meanwhile, the Prime Minister of Pakistan, Liaquat Ali Khan, was assassinated on October 16, 1951. He was succeeded by the Governor General, Nazimuddin. The Security Council asked Dr. Graham to continue his efforts for another six weeks.

Dr. Graham submitted his second report to the Council in December, 1951, admitting failure of his efforts. He suggested that demilitarisation should be completed by July 15, 1952 and that the demilitarisation should be carried on in a manner so as to leave the lowest possible number of armed forces based in proportion to the number of armed forces existing on each side of the cease-fire line on June 1, 1949. The Indian press termed the report as more realistic in certain than the previous ones. Pakistan rejected it outright.

The Security Council met on January 10, 1952 and heard Dr. Graham on his report. The U.S.S.R. for the first time came out in the Council in support of India's stand on Kashmir. The Soviet delegate, Jacob Malik, stated that Kashmir question should be resolved by giving the people of Kashmir an opportunity to decide the question of Kashmir's constitutional status through the instrumentality of the Constituent Assembly without outside interference.

At the instance of the members of the Council, Dr. Graham continued his mediation efforts. Differences were about the quantum of forces to be retained on either side of the border. India insisted to have 21000 troops plus the State militia of 6000 on the Indian side and a civil armed force of 4000 on the Pakistan side. Pakistan wanted the lowest possible number proportionate to the forces on both sides as on January 1, 1949.

Dr. Graham made three more attempts to bring India and Pakistan together on the question of forces to be retained on either side of the border after demilitarisation but failed. The dead-lock was complete. The feeling expressed in the U.N. was to encourage India and Pakistan for settlement of the problem by mutual discussions.

The Prime Minister of Pakistan, Nazimuddin, invited Nehru to visit Pakistan in the third week of April, 1953 for discussion

on all problems of common interest. Meanwhile, the Governor General of Pakistan, Ghulam Mohammad, dismissed Nazimuddin and appointed Mohammad Ali Bogra, the then Pakistan's Ambassador to the U.S.A., as Prime Minister in his place. It was, however, apparent that the real power now was in the hands of Ghulam Mohammad who was known to be a dove and a man of vision. The British Labour leader Aneurin Bevan, who was on a visit to the sub-continent, remarked that if there were two men who could bring India and Pakistan closer they were Nehru and Ghulam Mohammad.

The two Prime Ministers, Nehru and Bogra, met on June 5, 6 and 13 in London, where they had gone to attend the coronation of Queen Elizabeth II. They held preliminary talks and felt that the chances of settlement of various issues and specially of the Kashmir question were 'bright'. The interviews given by the two Prime Ministers to the world press raised high hopes amongst the peoples of India and Pakistan. Nehru accepted the invitation of Bogra to visit Karachi in the last week of July to continue the talks.

Nehru's visit to Pakistan created some sort of euphoria in Pakistan. When he landed at Karachi airport on July 25, 1953, he was given a tremendous ovation. The vast crowds standing on the road-sides along the entire six mile route from the airport to the Government house, lustily cheered Nehru. Shouts of 'Nehru Zindabad' rent the sky. The enthusiasm on the Karachi talks was no less in India. It appeared as if the settlement of Kashmir question was on the cards.

The two Prime Ministers held several meetings between July 25 and 27 but the press communique issued at the conclusion of the talks merely stated that 'they have prepared the grounds for further talks which the Prime Ministers expect to resume in New Delhi in the near future'. The people in the two countries were disappointed notwithstanding the advice of Mohammad Ali to the people not to lose heart. There was further disappointment in store for India as the political situation in Kashmir took an ominous turn.

Chapter VII

Rise and Fall of a Colossus

SOON AFTER THE accession of Kashmir to India, Sheikh Abdullah was appointed as Head of 'Emergency Administration'. On March 5, 1948 Sheikh Abdullah was elevated as Prime Minister with freedom to constitute his own Council of Ministers. He included Bakshi Ghulam Mohammad, G.M. Sadiq, Mirza Afzal Beg, Shamlal Sharaf and three others in the Cabinet. Maharaja Harisingh could not adjust to the new circumstances arising out of transfer of power to people's representatives. To this was added the over-bearing attitude of Sheikh Abdullah. The unhappy Maharaja in a letter dated January 31, 1948 to the Union Home Minister, Sardar Patel, went even to the extent of proposing withdrawal of accession to India on the prevention of "exasperating proceedings at the U.N.". This gave a handle to Sheikh Abdhullah and others to launch a vicious campaign against him. The Maharaja abdicated the throne in June 1949 vesting his powers in his son Yuvraj Karansingh as Head of State.

The Constitution of India came into force on January 26, 1950. Though Kashmir was treated as an integral part of India under the Constitution, it was specially provided in article 370 that the law making of the Parliament in respect of the

State would be specified by the President in consultation with the State Government.

In October 1950, the National Conference passed a resolution calling for elections to a Constituent Assembly "to determine the future shape and affiliations of the State of Jammu and Kashmir". On April 30, 1951 the Head of the State summoned a Constituent Assembly based on free elections by means of a secret ballot of all citizens over twenty one years of the age. The elections were held in September and October. The Constituent Assembly (C.A.) was convened on October 31, 1951. In his first speech in the C.A., Shiekh Abdullah ruled out the State's accession to Pakistan or its independent status and supported its accession to India.

In June 1952, the C.A. adopted the recommendation of the Basic Principles Committee abolishing the institution of monarchy as a relic of the feudal system. It also decided against payment of compensation to the landlords whose land was acquired by the State. The same month the Dogra dominated Praja Parishad of Jammu submitted a memorandum to the President of India in which it demanded that the entire Constitution of India should be applied to Jammu. The Parishad threatened that people of Jammu would resist with all the strength at their command any attempt to thwart full accession of Jammu to India¹. It was in a nutshell, a threat to dismember the State of Jammu and Kashmir.

The Prime Minister summoned Shekikh Abdullah and his colleagues to Delhi to discuss the overall situation in the State. After days of deliberations an agreement known as 'Delhi Pact' was signed between Shekikh Abdullah and Pandit Nehru on July 25, 1952 (App. IV). The Pact inter-alia accepted a common citizenship with certain special privileges for State subjects, an elected Head of State to be recognised by the President of India, a State flag to be hoisted along with the National Flag, the President's emergency powers, Supreme Court's original as well as appellate jurisdiction and application of 'Fundamental Rights' to Kashmir except in regard to payment of compensation to dispossessed landlords. As would happen in all such agreements, neither the people of the Valley nor

¹. Prem Nath Bazaz, Struggle for Freedom in Kashmir, p.574.

those of Jammu were satisfied with the Pact. Sheikh Abdullah, however, supported the agreement saying that 'it is not a paper agreement but a union of hearts which no power on earth can loosen'¹. The State C.A. as well as the National Conference confirmed the Delhi Pact.

In November 1952, the C.A. elected Yuvraj Karansingh as 'Sardar-e-Riyasat' (Head of State) and also gave effect to an earlier resolution regarding a separate flag as agreed to at Delhi. The State would now have its own constitution, own flag and its own nomenclature for the head of State. Besides, the head of the administration in the State was to be known as Prime Minister unlike in other States where the heads of the administration were known as Chief Ministers in accordance with the Constitution of India.

The People of Jammu felt restive and unhappy. The Praja Parishad led by Premnath Dogra decided to launch a movement for deletion of article 370 of the Constitution of India and full integration of the State with India. On November 24, the Sardar-e-Riyasat, Karansingh paid an official visit to Jammu. The Praja Parishad not only boycotted the reception arranged in his honour but also gave a call for hartal. On November 26, Dogra and some of the Parishad workers were arrested. The movement now began with the slogan of 'one president, one flag and one constitution'. The abolition of the Dogra monarchy and the agrarian reforms introduced in the State had radically altered the social and economic balance in the State to the disadvantage of the erstwhile ruling elite which was primarily behind the agitation.

The Praja Parishad agitation continued for months in which 30 people were killed and more than one hundred wounded in police firing at various places in Jammu. Nearly 1300 people were arrested. In March 1953, the Jansangh, the Hindu Mahasabha and the Ram Rajya Parishad decided to start a joint 'Satyagrah' at Delhi under the leadership of the Jasangh leader Dr. Shyama Prasad Mookerji in support of the demands of the Praja Parishad. Nearly 4000 people courted arrest. On May 11 Dr. Mookerji entered Kashmir to see himself things

¹ Prem Nath Bazaz, *Ibid*, p.578.

behind the 'iron curtain'. He was arrested and taken to Srinagar where he was lodged in a bungalow near Nishat garden.

Sheikh Abdullah now used the Praja Parishad and the Jansangh agitation as an argument to prove that the integration of the State with India would not be in the interest of the people of Kashmir. His meeting with two prominent foreign visitors convinced him that if Kashmir became independent, it could develop as the Switzerland of Asia. It was, however, to the credit of other National Conference leaders like Bakshi, Sadiq, Mir. Kasim and Masoodi that in spite of the pressure of the Sheikh to the contrary, they remained loyal to India. Prime Minister Nehru sent several messages to the Sheikh to come to Delhi and talk things over but the latter did not respond. Nehru himself went to Srinagar and met the Sheikh but failed to bring him round. Nehru returned to Delhi, a dejected man. He sent Maulana Azad to Kashmir to see if he could persuade Sheikh to change his attitude. The Sheikh not only ignored him but insulted him at a Friday congregation. On his return to Delhi, the Maulana advised Nehru for the dismissal of the Sheikh as Prime Minister of the State before he committed any more mischief.

On June 3, 1953 Dr. Shyama Prasad Mookerji died in the Harisingh Hospital at Srinagar. Nehru was then in London. There were demonstrations throughout India against Sheikh Abdullah for the death of this highly respected leader. The cup was not yet full to the brim. The Government of India waited for an appropriate opportunity to strike and the Sheikh himself soon afforded it.

On August 6, the Sheikh asked Shamlal Saraf, the senior most member of his Cabinet, to resign. By now the Sheikh had lost majority not only in the Cabinet and the State Assembly but also in the Working Committee of the National Conference. Saraf, therefore, declined to oblige him. Since the Sheikh knew that the Sardar-e-Riyasat too would not accept his advice he thought it wiser not to approach him for Saraf's dismissal.

Circumscribed from all sides, Sheikh Abdullah sent overtures to Pakistan through Pir Maqbool Gilani according to the IB Chief, B.N. Mullik. A Pakistani emissary was to meet the Sheikh at Tanmarg accordingly. When the Sheikh suddenly

left for Tanmarg in the morning of August 8, the suspicion of the Government of India in the loyalty of the Sheikh was confirmed. He was arrested at Gulmarg on his way to Tanmarg and brought to Udhampur. The next morning his deputy, Bakshi Ghulam Mohammad, was sworn in as Premier. There were disturbances in Kashmir which continued for about three weeks in which sixty people were killed. The new Premier, however, soon brought the situation fully under control. Kashmir enjoyed peace for the next ten years.

Chapter VIII

The End of Bilateral Negotiations

REACTION TO THE arrest of Sheikh Abdullah, Pakistan cancelled all Independence-Day celebrations. Karachi, the Pakistan capital, observed hartal. On August 10, 1953 the Prime Minister of Pakistan, Mohammad Ali Bogra, sent a telegram to Nehru for an immediate meeting in view of the 'grave and distressing developments in the State'. Nehru replied that 'happenings in Kashmir were of no concern to Pakistan'. He, however, agreed to receive Mohammad Ali at New Delhi on any day convenient to him. The Pakistan Prime Minister arrived in Delhi on August 16. In spite of the hostile attitude of Pakistan, the people of Delhi extended a warm welcome to the visiting Premier.

The meeting between Nehru and Mohammad Ali lasted for four days. It was agreed that the Plebiscite Administrator should be appointed by the end of April 1954 and that it should be someone from an Asian country instead of Admiral Nimitz of the United States. It was also agreed that instead of a single plebiscite for the entire State, the plebiscite should be region-wise. While the Indian press welcomed the outcome, the Pakistani press had its reservation. The Dawn declared that it was an attempt to drive a wedge between Pakistan and the U.S. Mohammad Ali now took somersault and suggested a 'single plebiscite instead of holding regional

plebiscites' in the State and also requested for reconsideration of the proposal of discontinuing Admiral Nimitz as Plebiscite Administrator. To the chagrin of Pakistan the Admiral himself resigned.

In the midst of the controversy in regard to the plebiscite administrator and mode of plebiscite between the two countries, came the news of U.S. military assistance to Pakistan. Mohammad Ali in an interview to a U.S. news-paper stated that the U.S. aid might help in solving the Kashmir problem. On February 22, 1954 Pakistan announced its decision to accept U.S. military assistance. Nehru stated in Parliament on March 1, 1954 that the military aid being given by the U.S. to Pakistan was a form of intervention which was likely to have far reaching consequences. He also demanded the withdrawal of American personnel serving as U.N. observers in Kashmir. In a letter to Mohammad Ali, Nehru stated that the U.S. decision had completely changed the situation making their long talks of 1953 some what irrelevant. In September 1954, Pakistan joined the South East Asia Treaty Organisation (SEATO) sponsored by the U.S.. The hopes for further bilateral negotiations received another setback.

Meanwhile in October 1954, the Pakistan Cabinet was reshuffled at the instance of the Governor General Ghulam Mohammad. The new faces included a former bureaucrat, General Iskandar Mirza as Home Minister; Gen. Ayub Khan, Commander-in-Chief, as Defence Minister and Doctor Khan Sahib as one of the ministers. General Ayub Khan also continued as Commander-in-Chief of the Pakistan Army. The new Government adopted a conciliatory attitude in the matter of settlement of disputes with India. The first indication in this regard came from the Prime Minister, Mohammad Ali, who was on his way to D'Jakarta. He stated at Calcutta on December 26 that at the next meeting with Nehru he would evolve a 'new approach' to Kashmir question.

The ground for direct talks between the Prime Minister of the two countries was paved when the Governor General of Pakistan, Ghulam Mohammad, accompanied by the Prime Minister and two senior ministers came to Delhi to participate in Republic Day celebrations as guest of the Government of

India. At the state-banquet, Ghulam Mohammad declared, "Let us put an end to our disputes. We owe to posterity not to leave them a legacy of misunderstandings and bitterness". India had not received such a conciliatory signal from the top leaders of Pakistan in the past.

A powerful delegation headed by the Prime Minister Mohammad Ali Bogra came to Delhi for talks with the Government of India on May 14, 1955. Unfortunately, the moving spirit behind the 'new approach', Ghulam Mohammad, Governor General of Pakistan, fell ill at this critical juncture. He was to visit New Delhi prior to the meeting of the two Prime Ministers to ensure success of the talks but could not do so. The Prime Ministers considered various alternatives for solution of the Kashmir problem during their four day long parleys. A brief communique was issued on conclusion of the talks stating that in the course of joint talks the Kashmir problem was discussed fully in all its aspects and that it was decided to continue these talks at a later stage after full consideration had been given by the two Government to the various points that had been discussed during the course of the meeting.

The communique concealed more than what it revealed. According to observes, the two Prime Ministers seriously considered the '38th parallel'¹ solution to the Kashmir problem. In other words, the cease-fire line in Kashmir was to be converted into the international boundary between India and Pakistan. Such a far reaching decision could have been taken only by a statesman like Ghulam Mohammad on the Pakistan side and Nehru on the Indian side. When Mohammad Ali returned to Pakistan, he faced a hostile press. Over the top of it, the ailing Governor General left for Zurich for treatment. Scared of public resentment, Mohammad Ali resiled from the position he had taken at Delhi and stated that no progress had been made at Delhi talks. Mohammad Ali's 'volte face' surprised the Indian leaders.

1. The Korean war (1950-53) came to an end when the South Korean forces supported by the U.N. agreed to withdraw south of 38th parallel in accordance with the Indian resolution passed by the General Assembly of the U.N. Since then the 38th parallel became international border between South Korea and North Korea.

On August 6, 1955 Gen. Mirza replaced Ghulam Mohammad as Governor General of Pakistan. The next day, Choudhari Mohammad Ali was appointed as Prime Minister in place of Mohammad Ali Bogra. With the main actors on the Pakistani side out of the way, all hopes of a negotiated settlement on the Kashmir issue were dashed to the ground. On September 2, Choudhary Mohammad Ali declared at a press conference that Pakistan was pledged to secure to the people of Kashmir the right of self-determination through plebiscite under the U.N. supervision. The all party conference held in November 1955 endorsed the Prime Minister's stand. India was disappointed at the turn of events in Pakistan. Earlier on September 30, 1955 Punjab, NWFP, Sind, Baluchistan and the States of Bahawalpur and Kashmir and the capital city of Karachi were amalgamated into a single province of West Pakistan with a view to reduce the influence of the province of East Pakistan.¹

In December 1955 the Soviet President, Marshal Bulganin, and the Communist Party General Secretary, the all powerful Khrushchov, visited India. In one of the statements Khrushchov declared that the question of Kashmir as one of the states of the Republic of India had already been decided by the people of Kashmir. The people felt ratified that at least one big country, a super power, had supported India's stand on Kashmir. This single statement of the Soviet leader bound the two countries in abiding friendship which has survived more than three eventful decades.

The formation of the SEATO and the Baghdad Pact had changed the security environment in South East Asia. Pakistan's membership of the two organisations was bound to affect the thinking of the policy makers in India particularly in relation to Kashmir. On March 26, 1956 Nehru declared in Parliament that Pakistan having failed to fulfil the condition of withdrawal of its forces from Kashmir, as required under the Security Council resolution, the Government of India and the Government of Kashmir could no longer remain in a state of suspended animation. Nehru disclosed at a public meeting in New Delhi on April 13 that he had suggested to Pakistan a

^{1.} Asghar Khan, 'Generals in Politics' p.16

year ago that India would agree to the partition of Kashmir on the basis of cease-fire line.

Pakistan resented the statement of Nehru. The Pakistan Prime Minister, Choudhari Mohammad Ali, stated that the basis for negotiations with India could only be for holding plebiscite and that Pakistan would take the issue back to the Security Council.

Pakistan's Foreign Minister, Feroz Khan Noon, in a letter dated January 2, 1957 to the Security Council demanded 'firm and timely action for implementation of the UNCIP resolutions'. He told the Council on January 16 that it arrange withdrawal of India troops from Kashmir and vest the functions of protecting the State in the U.N. force. In a marathon reply on January 23 and subsequent days, India's representative, V.K. Krishna Menon, smashed Pakistan's arguments one by one and declared that as Pakistan had failed to withdraw its forces from Kashmir as a condition precedent for withdrawal of bulk of India's forces as required by the UNCIP resolutions, there was no question of withdrawal of Indian troops. He stated that India did make offer of a plebiscite but if the other side did not accept it for such a long time, it could not stand indefinitely.

The Security Council, however, was guided not by the merits of the case or by reasoning but by other considerations. Even before Menon concluded his arguments, a draft resolution sponsored by the U.S., the U.K., Cuba, Australia and Columbia was circulated to the members of the Council. Menon's protest at this unusual behaviour went unheeded. Surely, there could not have been a greater naked display of power politics in this most powerful organ of the United Nations.

On February 14, 1957 the U.S., the U.K., Australia and Cuba introduced a resolution in the Security Council which inter-alia required the Council President, Gunnar Jarring, to examine with the Governments of India and Pakistan the proposal for the use of United Nation's force. Interestingly, this time Columbia was not a party to this resolution. On the contrary, it told the Council that a country could not for ever be considered bound to hold a plebiscite simply because once it had expressed its desire to do so. He further told the

Council that India's consent would be necessary for introduction of foreign forces in Kashmir under the U.N. Charter. He revealed that if the U.N. had accepted a neutral plebiscite administrator as proposed by India, the plebiscite would have long been held.

After the amendments moved by Russia and Columbia were rejected by the Security Council, voting took place on the four-power resolution. Nine members voted in favour of the resolution. Sweden abstained and Soviet Russia voted against it. Since the negative vote was of a permanent member, i.e., Soviet Russia, the resolution deemed rejected. The Soviet Union earned the eternal gratitude of India for exercising its veto on this crucial resolution. The Security Council now passed a new resolution enjoining upon the Council President Jarring to examine with India and Pakistan any proposal which was likely to contribute towards settlement of the Kashmir question. He was further asked to report to the Council not later than April 15, 1957.

Jarring reported his failure to the Security Council on April 29. The Security Council considered his report in September and requested Dr. Graham to renew his efforts for securing an agreement of the parties on reduction of forces on both sides of the cease-fire line in the manner indicated in the UNCIP resolution. Graham too failed in his mission and suggested resumption of direct negotiations between the parties under the U.N. auspices on the basis of a framework suggested by him. Pakistan accepted the framework but India rejected on the ground that it treated the aggressor and the aggrieved on the same footing. The proceedings were dead-locked. Feroz Khan Noon, now the Prime Minister of Pakistan, threatened to leave the western camp unless the U.S. and the U.K. took positive steps for resolution of the Kashmir problem.

Meanwhile, on October 7, 1958 President Iskandar Mirza abrogated the Constitution, dismissed the Noon Cabinet, imposed martial law and appointed Gen. Ayub as Prime Minister. This was done with the knowledge, if not encouragement of the U.S. Soon intrigues started between Mirza and Ayub to out each other. Ayub succeed in the bid finally. In a coup planned by Brigadier Yahya Khan on October 27, three Generals

and a Brigadier met Mirza and secured his resignation. Ayub assumed the role of President and sent Mirza to Quetta. The speeding up of military and economic aid by the U.S. in the years that followed helped strengthen Ayub Khan's position at home¹. The first meeting between Nehru and Ayub took place at the Palam airport (New Delhi) on September 1, 1959. They agreed to evolve a planned and rational basis of relationship instead of a day to day approach between the two countries.

^{1.} Asghar Khan, 'Ibid', p.10 & 12.

Chapter IX

A Himalayan Blunder

REVERTING TO THE SCENE in Kashmir, Bakshi Ghulam Mohammad was fully in saddles within a few weeks of his taking over as Prime Minister in August 1953. Though he failed to carry with him leaders like Mirza Afzal Beg, Ghulam Moheuddin, Maulvi Masoodi, etc., he still had stalwarts like G.M. Sadiq, Sham Lal Saraf and Mir Quasim in his cabinet.

During Bakshi's regime the State made tremendous progress in every sphere. With the construction of the Banihal tunnel and improvement in the road linking Kashmir with India, the trade between Kashmir and India got a big boost. The fast flourishing tourist industry was a fair index of peace and stability enjoyed by Kashmir in the next four years notwithstanding the developments in the U.N. Indeed Kashmir had never had so good.

Bakshi integrated the State's higher administrative and police services with the All India Services leading to improvement in the quality of services. He extended the Supreme Court's jurisdiction to Kashmir and abolished the permit system for entry into the State. He also extended the Industries (Development and Regulations) Act, 1951 to the State. These measures helped bring about greater emotional

and administrative integration of the State with the rest of the country.

In November 1954, Bakshi started liberalisation of political process in the State presumably at the instance of Nehru who was opposed to the detention of political workers for long without trial. He released Mirza Afzal Beg who was responsible for influencing the Sheikh to take a progressively anti-India attitude since 1952. In December, he even released Ghulam Mohiuddin Kara, the founder of the Kashmir Political Conference which stood for accession of Kashmir to Pakistan.

Mirza Afzal Beg set up the 'Plebiscite Front' in August 1955. Similarly, Kara revived the Political Conference and resumed contacts with Pakistan which helped him financially and otherwise to spearhead the movement against India. Kara was rearrested in 1956. The anti-Indian activities of the two leaders did not make New Delhi any wiser. On the contrary, Sheikh Abdullah was released from Udhampur jail on January 8, 1958 at the instance of New Delhi. Sheikh returned to Srinagar in a hero's mould. He held a number of public meetings in the city at which he called Bakshi a traitor and incited the people to throw him out. An ace orator as he was, he succeeded in building up mass hysteria against Bakshi. He gave a call for holding a public meeting on January 17 at Pathar Masjid opposite to the Mujahid Manzil, the headquarters of the National Conference. The plan was to capture the Mujahid Manzil. Nearly 20,000 people collected and it looked as if every thing had been lost. Fortunately, the Sheikh's courage failed. He did not turn up at Pathar Masjid and Went to Hazaratbal instead to say his Friday namaj. The disappointed crowd at the Pathar Masjid gradually dispersed. The hero came down greatly in the estimation of the crowd¹.

The event of January 17 came as a great morale booster to Bakshi. He now decided to celebrate the Indian Republic Day on January 26, 1958 in a big way to demonstrate his own hold on the Valley. A part of the programme was to organise a procession of 50,000 people over a 5 mile route through the streets of Srinagar. Sheikh Abdullah issued a **firman** from the Hazaratbal mosque for complete boycott of the Republic

1. B.N. Mullik, *My Years with Nehru*, p.79

Day celebrations. New Delhi was alarmed. It advised Bakshi to confine the Republic Day celebrations to hoisting of the National Flag and a march past by the troops to avoid large scale disturbances and blood-shed in Srinagar. Bakshi told New Delhi that if he had to bow down to the Sheikh's threat of boycott of the Republic Day, then he would rather bow out of the Government.

Bakshi carried the day. He came out with flying colours. The Republic Day was celebrated with great enthusiasm in the Valley. The two mile long procession in Srinagar passed off peacefully and converged in a 40,000 strong meeting at the Civil Lines. Not a single black flag, not to talk of counter demonstrations, was seen either during the procession or at the huge meeting. Sheikh's boycott call miserably failed. Nehru congratulated Bakshi for the astounding success. Bakshi felt elated.

The demoralised Sheikh now started exhorting people to rise in revolt. As things were coming to a climax, he was rearrested on April 30, 1958. At the place of his arrest a draft resolution of the Plebiscite Front, which gave a clarion call for breaking the ties with India was recovered. The draft had been given final touches by Sheikh himself.¹

The I.B. had come into possession of evidence as early as 1956 that Sheikh, Beg and their supporters were conspiring in league with Pakistan for the violent overthrow of the Bakshi Government. In October 1956, the I.B. drew up a F.I.R. against Mirza Afzal Beg, Pir Maqbool Zilani, Begum Abdullah and eight others. By January 1958 the investigations had been completed and it was found that there was a strong case against Sheikh also.

The matter was discussed amongst the Prime Minister Nehru, Home Minister G.B. Pant, Law Minister A.K. Sen, the Kashmir Premier Bakshi and others. Bakshi said that he could not agree to the prosecution of Begum Abdullah. He stated that the Muslim opinion in the Valley would not excuse him for dragging the lady in the court. Later on Nehru decided, presumably under pressure from Mridula Sarabhai, that Sheikh

¹ B.N. Mullik, *Ibid*, p.85

too should not be prosecuted. A complaint was accordingly filed in the court of the special magistrate, Jammu on May 21, 1958 against 25 persons including Beg, Gilani and others but excluding the Begum and Sheikh Abdullah. In October 1958, the prosecution counsel reported that it would be impossible to prosecute the case successfully without Sheikh. Nehru relented. A supplementary complaint was filed against Sheikh on October 23, 1958. The prosecution closed its evidence on July 17, 1960 after examining 229 witnesses and exhibiting nearly 300 documents. The defence took another 7 months. The arguments were completed by October 1961. On January 25, 1962 the special magistrate committed all the accused to the court of sessions. The trial in the court started in August 1962. The accused adopted dilatory tactics, as any accused would do in prolonged the trial. Meanwhile, much water had flown beneath the Jhelum.

In August 1963, Bakshi Ghulam Mohammad, the symbol of stability in Kashmir, resigned as Chief Minister as part of the 'Kamraj Plan'¹. There were serious differences in the National Conference about the choice of his successor. Ultimately, Shamsuddin was made Chief Minister as a compromise candidate. Meanwhile, an unfortunate event took place which shook the Valley violently.

On December 27, 1963 the custodians of the holy hair of Prophet Mohammad reported that the Holy Relic (Moe-e-Muquaddas) preserve at the Hazaratbal Mosque since 1700 AD, was missing. The news spread like a wild fire throughout the Valley. A large crowd gathered at the mosque in the morning. By afternoon, thousands of people started demonstrating on the streets of Srinagar against the sacrilege. This gave an opportunity to the pro-Abdullah elements to settle old scores with Bakshi. They started a smear campaign that the supporters of Bakshi, who had been shorn of power recently, were behind the mischief. The anger of the people turned against the Bakshi family.

¹ In 1963, the Congress leadership relieved some of the Central Ministers and Chief Ministers including Bakshi of their ministerial responsibilities ostensibly to enable them to devote to party work. The operation was called 'Kamraj Plan' as the idea was initiated by K. Kamraj, the then Chief Minister of Madras.

The crowds demanded the head of Bakshi and the release of Sheikh Abdullah. Abdul Rashid, General Secretary of the National Conference and nephew of Bakshi, who came to sooth the feelings of the people, was badly manhandled and was rescued by the security forces. A cinema house, owned by a brother of Bakshi, was set on fire. Bakshi, who was at Delhi when the disturbances broke out in Srinagar, rushed to Srinagar. He was, however, advised by the authorities to return to Delhi in view of the ire of the people against him. The unruly crowed set fire on a police station. In the process, three persons were killed in police firing aggravating the situation further. The people spontaneously set up Awami Action Committee headed by the universally respected Mir Waiz Maulvi Mohammed Farooq to lead the agitation for the recovery of the Holy Relice. It is interesting to note that Maulvi Farooq was appointed as Mirwaiz a couple of years back by the Bakshi Government.

The Kashmir Premier, Shamsuddin, returned from Jammu to Srinagar but remained confined to his house, as he was hardly in a position to face the hostile crowds. The Sadare Riyasat, Karansingh, the Union Home Secretary Viswanath and the I.B. Chief B.N. Malik dashed to Srinagar in view of the developing situation in the State. The Sadare Riyasat had the instructions from New Delhi to take over the administration but his hand was held up by Mullik in the prevailing circumstances. There were hartals, demonstrations and processions against the outrage throughout the Valley. The only and the only solution to re-establish order in the Valley was to recover the Holy Relic.

The I.B., which had been conducting the investigations, came to the conclusion that Pakistan in league with some high ups in Kashmir and the custodians of the Holy Relic had managed the removal of the Relic. The I.B. lost no time in tightening the net around the culprits, who found the 'Moe-e-Muquaddas' too hot to hold in their possession any more. At 5.00 pm. on January 5, the I.B. Chief Mullik announced the recovery of the Holy Relic. He said that it was an intelligence operation which he would never disclose. When he informed Nehru over the telephone about the recovery of the Relic,

Nehru told him. 'God bless you Mullik, you have saved Kashmir for us'¹.

The another attempt made by Pakistan to stir the people of Kashmir to rise in revolt against India failed. Calm was soon restored throughout the Valley.

On February 29, 1964 the hapless Prime Minister Shamsuddin was replaced by G.M. Sadiq ostensibly by consensus. The two factions in the National Conference, one led by Bakshi and the other by Sadiq, remained at logger heads. Surprisingly, they competed with each other in demanding the withdrawal of the conspiracy case and the release of Sheikh Abdullah. Nehru too, had all along been anxious to release him. Accordingly, Sheikh was released and the case withdrawn on April 8, 1964. Sheikh returned to Srinagar to a hero's ovation. Even the Praja Parishad, a sworn enemy of Sheikh, welcomed his release. What a paradox?

On Nehru's invitation, Sheikh Abdullah visited New Delhi and had prolonged discussion with him. At the instance of Nehru, Sheikh went to Pakistan. He was shocked to find that Pakistan had not allowed a representative government so far in the occupied Kashmir (Azad Kashmir). He also got no encouragement from the Pakistani rulers to his idea of an independent Kashmir. Meanwhile, Nehru passed away on May 27, 1964. Sheikh hastened back to New Delhi and attended the funeral of his life long friend and well wisher.

A word for Bakshi Gulam Mohammad. He was by far the best Prime Minister Kashmir had so far. He brought peace, prosperity and stability to the State. Whatever his shortcomings maybe, his loyalty to India was unquestioned. He tried his best to accelerate the process of integration of Kashmir with India. His removal from the office of the Prime Minister in the name of Kamraj Plan was a Himalayan blunder for which India had to pay a heavy price in years to come.

¹. B.N. Mullik, 'My Years with Nehru', p.141

Chapter X

The 1965 War and its Aftermath

THE SETTLEMENT of the Indus-water dispute through the good offices of the World Bank created a suitable climate for Indo-Pak talks on Kashmir. Nehru went to Karachi on Sept. 19, 1960 to sign the Indus-water Treaty and stayed there for 5 days. President Ayub and Nehru took the opportunity to hold discussions on Kashmir. They agreed to give further thought to the question 'with a view to finding a solution'. However, on October 6, Ayub declared at a public meeting in Azad Kashmir that Pakistan could not trust India until the Kashmir question was settled. He further stated that the Pakistan army could not afford to leave the Kashmir question unsettled for an indefinite period. The threat of armed action by Ayub gave a big jolt to Indo-Pak relations. It stiffened the attitude of India.

India made it clear that talks with Pakistan could only be possible on the basis of the cease-fire line. But Pakistan would not accept this as a satisfactory solution. On January 11, 1962 Pakistan's Foreign Minister, Sir Mohammad Zafrulla Khan, approached the President of the Security Council for an early meeting of the Council to consider the Kashmir question. Meanwhile, the U.S. President, J.F. Kennedy, suggested that two countries should use the good offices of the World Bank

President, Eugene Black, to resolve the dispute. India rejected the proposal on the ground that it did not favour arbitration on an issue of this nature. Instead, the Indian Prime Minister extended an invitation to Ayub to visit New Delhi for bilateral negotiations. Ayub declined the invitation and preferred to knock the door of the Security Council.

The Security Council met in February 1962 and heard Zafrulla Khan and C.S. Jha at length. After quite a few meetings, Ireland introduced a resolution on June 22, 1962 to the effect that the two Governments enter into negotiations "with a view to the ultimate settlement of the Kashmir question in accordance with the relevant provisions of the Charter of the United Nations". The U.S., the U.K., Chile, China, France, Ireland and Venezuela voted in favour of the resolution. The U.A.R. (Egypt) and Ghana abstained from voting. The fate of the resolution was, however, sealed when one of the permanent members, the U.S.S.R., vetoed it.

In September 1962, China attacked India. In November, the U.S. and the U.K. delegations visited India to discuss its arms requirements. On their persuasion, India agreed to hold talks with Pakistan on Kashmir. On November 21, 1962, the Chinese declared unilateral cease-fire after humbling the Indian armed forces at various points on the Indo-Chinese border. Shortly thereafter, it was announced that President Ayub and Prime Minister Nehru would meet after the preliminary talks were held at ministerial level. Interestingly, as the first round of ministerial level talks were to begin at Rawalpindi, a bombshell came that Pakistan and China had agreed to demarcate boundary between China and the occupied part of Kashmir. This was enough provocation for India to cancel the talks. Nevertheless, under pressure from the U.S., the talks were held as scheduled between the Indian delegation headed by Swaransingh and the Pakistan delegation led by Z.A. Bhutto. From December 27, 1962 to May 16, 1963 six rounds of talks were held but no agreement was reached.

Pakistan again approached the Security Council in October 1963. The debate on Kashmir continued in the Council till May 18, 1964 but without any fruitful results. Meanwhile Sheikh Abdullah, who had gone to Pakistan at the instance of Nehru,

announced from Rawalpindi on May 26 that Ayub and Nehru would meet in New Delhi in June 1964 to resume talks on Kashmir. Unfortunately, the very next day (May 27, 1964) Nehru breathed his last. Sheikh returned to New Delhi in time to attend Nehru's funeral. He then left for Kashmir and started his anti-Indian tirade. In February 1965, he went to Haj and indulged in anti-Indian propaganda in the Middle-East countries. He returned to India on May 9 and was arrested at the Palam air port.

Lal Bahadur Shastri succeeded Nehru as Prime Minister at a time, when India's morale was at the lowest ebb. It had lost its towering leader. The food situation was rather precarious due to failure of rains in several parts of the country. The foreign exchange position was difficult. The South led by the DMK leader, C.N. Annadurai, was shimmering with discontent on the language issue. The Indian army was still smarting under the humiliating defeat inflicted by the Chinese. India as a nation lost respect in the international community and specially among the Afro-Asian nations which were brought under the Non-aligned Movement by Jawaharlal Nehru, the charismatic Prime Minister of India. Worse still was that the press and leaders in Pakistan missed no opportunity to fling insult at the Indian army. The western countries, which showed enormous sympathy with India during the Indo-China war, paid little heed to India's request for military aid in the form of arms and ammunitions. In D.R. Mankikar's words, it looked as though we had not a friend in the world¹.

Emboldened with the newly acquired friendship with China and the traditional support of the West, Pakistan President, General Ayub Khan, was convinced that this was the most opportune moment to settle score with India on the battle-field and wrest Kashmir. As a probing mission, Pakistan army crossed the border in the Rann of Kutch on April 9, 1965 and occupied Indian posts of Kanjarkot, Sardar, Wayabat and Point 84 within the next few weeks.

The naked aggression launched by Pakistan stirred the entire Indian nation. The DMK set aside its secessionist creed. The Akalis suspended their morchas for the Punjabi suba.

¹. D.R. Mankikar, 'Twenty-two Fateful Days', p. 14.

The various political parties, irrespective of their political philosophies, extended their unreserved support to the Government in its fight against the aggressor. The army was itching to wipe out the humiliation heaped by China three years ago. Above all, the people, forgetting their own economic miseries, stood behind the Government as one man in this hour of crisis.

On April 28, the diminutive Prime Minister Lal Bahadur Shastri, told the Lok Sabha that if Pakistan continued to discard reason and persisted in its aggressive activities, the Indian army will defend the country and that it would decide its own strategy and the employment of its man-power and equipment in the manner it deemed best. The army moved to the 800 mile West Pakistan border. When it looked that the border skirmish would develop into a full fledged war, Harold Wilson, Prime Minister of England, intervened. A cease-fire was brought about on June 30, 1965. The armies of both the countries had to withdraw to their respective positions as on January 1, 1965. A general war between the two countries was averted but not for long.

Pakistan's preliminary success in the Rann of Kutch had gone into its head. President Ayub was convinced that Indian army was a 'push over'. He was now itching for another round on a much bigger scale. On August 5, 1965, three to five thousand Pakistani soldiers, Mujahids and Razakars disguised as Kashmiris crossed the 470 mile long cease-fire line from various points. Some of them even reached the outskirts of Srinagar. They failed to get any co-operation from the people in the Valley as anticipated. The Indian army gave them a severe beating. More than one thousand infiltrators were killed and several hundred arrested. Pakistan's attempt to 'liberate' Kashmir failed.

Pakistan was not to rest content in spite of the failure of the 'Operation Gibraltar'. On September 1, 1965, it launched a full-fledged attack on Kashmir. A brigade supported by 90 tanks entered Kashmir in the Chhamb-Jaurian sector. The object was to capture Akhnoor on the river Chenab and cut the road from Jammu to Rajaori and to Poonch thereby bottling up the Indian forces in the western region of the State. The

Pakistani forces were then to take Jammu and get astride the Jammu-Srinagar highway and isolate the Indian forces north of Banihal pass¹. A well thought-out strategy indeed. Kashmir would have been in Ayub's pocket, if the plan had succeeded.

On the first day of their offensive, Pakistan forces threw back Indian defenders to the Munnawar Tavi. India immediately deployed its air force to halt the massive thrust of the enemy. The Pakistani offensive was staggered but not halted. On September 5, Pakistan captured Jaurian and threatened Akhnoor which was just six miles away. The situation was serious. The logistics were in favour of Pakistan. It was easy for Pakistan to bring in their tanks and troops from their nearby cantonments in Sialkot, Kharian and Gujarat, whereas Indian bases were far away. The Indian Army Head-quarters now decided on diversionary moves directed at Pakistani territory itself. The Indian army columns moved to Lahore and Sialkot sectors. The strategy immediately paid dividend. Pakistan had to shift bulk of its forces from the Chhamb sector. Their advance in the sector came to a halt.

In the Lahore sector, the Indian object was to get the east bank of the 47 miles long Ichhogil canal, a major defence mole, built by Pakistan in 1958. Starting their offensive on September 6, the Indian forces were in possession of the east bank of the canal by September 10. A column in the Wagah sector crossed the canal and reached the Bata factory on the outskirts of Lahore but had to retreat to the east bank of the canal after suffering heavy losses. The final battle was fought in the sector at Dograi which was captured by the Indian forces after a grim fight for six hours.

The battles fought in the Khemkaran sector will be remembered for long in the annals of ground warfare. On September 6, the Indian army captured the joint-check post, Ruhiwal, the Bund Junction and Teh Pannunam. Within a few hours, however, the Pakistan in its counter-offensive recaptured the first three villages. By September 7, the Indian forces fell back to Khemkaran. On September 8, they made tactical retreat to entice the Pakistani army to China and Assal Uttar,

¹ D.R. Mankikar, *Ibid*, p. 91-92.

where a hot reception waited for the enemy. In a series of six engagements, which took place in and around Assal Uttar from September 8 to 10, Pakistan lost 97 tanks. Pakistan's Artillery Commander Brigadier Shamin was killed. The pride of Pakistan, the 1st Armoured Division, was crippled. The myth of the impregnability of the American tank 'Patton' was exploded. So also the boast of Ayub of 'strolling upto Delhi'.

The worse was in store for Pakistan in Sialkot sector which was the nerve centre of the Pakistani army. The Indian offensive which opened on September 7, broke the back of the 6th Armoured division of Pakistan. Indian forces captured Unchi Bains, Nichi Bains, Bajragade and Kalarwanda in the north of Sialkot. The forces were hardly 4000 yards from the city. In the southern side of the city, Indian forces captured Charwa, Maharajke and Philora. In the battle of Philora, 400 tanks were locked from both sides. The 15 day tank-battle here was of the magnitude of the battles fought in North Africa in the second World War between Rommel's Panzers and the Allied armour. Pakistan lost 243 tanks in the various engagements in the Sialkot sector apart from losing about 200 square miles of territory.

India opened another front across Rajasthan-Sind border on September 8. Indian forces captured Gadra town. On Sept. 18, in a counter offensive Pakistan captured Munabao. On the same day India occupied Dali, 18 miles south of Gadra Road station. On September 22, the U.N. backed by the two super powers, the U.S. and the U.S.S.R., obtained a cease-fire. Before, however, the cease-fire was established, the Pakistan army surreptitiously occupied some posts in the Thar desert of Rajasthan. By and large, India gave a good account of itself in the 22 day war. Though the war was not decisive, even foreign sources not known for their sympathy for India, admitted that Indians had unquestionably upper hand.

The Soviet Prime Minister Kosygin invited Shastri and Ayub to Taskent on January 4, 1966 for truce talks. After strenuous efforts for continuously six days, he succeeded in bringing the two parties together. The two leaders signed the Taskent Declaration which bound the two countries to withdraw

their forces to the positions held by them as on August 5, 1965.

In India the reaction to the signing of the Taskent declaration was one of anger. The Indian press and the people felt that whatever the Indian army won on the battle-field had been lost at the negotiation table. The reaction was conveyed to Shastri, who was resting in a guest house at Taskent. Shastri had a massive heart attack and died at 3.00 a.m. on January 12, 1966.

Interestingly, the reaction to the Taskent declaration in Pakistan was even sharper than in India. The Pakistan Foreign Minister, Z.A. Bhutto, made Ayub's position wholly untenable. He told the Pakistani people, who had all along been fed that Pakistan had won the war, that by signing the declaration Ayub had converted Pakistan's victory into defeat. Ayub had to go and make room for General Yahya Khan.

The 1965 war had shattered the dream of Pakistan to annex Kashmir by force. Having taken recourse to arms, Pakistan had no face to approach the U.N. any more to pressurise India to hold plebiscite in the State. Besides, it was so much engrossed with its internal problems during the post war years that Kashmir was relegated to the back waters in the politics of the country. Of course, occasionally it did raise the issue at various international forums but more as a formality than as a serious exercise. The days of marathon debates and crossing of swords by stalwarts like Zafrulla Khan and Krishna Menon at the U.N. had gone.

In India, the sudden death of Lal Bahadur Shastri, who steered the country through the 1965 war, sent shock waves throughout the country. The anger of the people against the Taskent declaration was turned into sympathy for the noble man who was responsible for restoring the prestige of the country which it has lost in the Chinese war. The ruling Congress party rose to the occasion and lost no time in settling the issue of succession in a democratic manner.

The Congress President Kamraj and other party bosses favoured the Information and Broadcasting Minister, Smt. Indira Gandhi, as Shastri's successor. The next general election being only a year away, they thought that being Nehru's daughter,

she would be a good vote puller. Morarji Desai, Finance Minister in Shastri's Cabinet, however, threw his hat in the ring. In the Congress Parliamentary Party, Desai lost to Shrimati Gandhi by an overwhelming majority. Commenting on her election as leader of the CPP, the veteran Swatantra leader C. Rajagopalachari said, 'The nation needed a Prime Minister but the party wanted a mascot and it has secured'¹. The 93 year old statesman must have regretted his remarks, when the entire opposition including his own party acclaimed Smt. Gandhi as 'John of Arc' in the Parliament on India's massive victory over Pakistan in the Bangladesh war in 1971 under her brilliant leadership.

Though India had a respite on the Kashmir issue as far as Pakistan was concerned, it faced numerous internal problems which were far more formidable than those faced by Pakistan after the 1965 war. The failure of the monsoon in 1965 and again in 1966 wrought havoc on Indian agriculture. Food reserves had been exhausted and a large quantity of food-grains had to be imported depleting the foreign exchange reserve to the bottom level.

The Indo-China war in 1962 and the Indo-Pak war in 1965 followed by suspension of U.S. aid threw the economy of the country out of gear. As if all this was not enough, the demand for ban on cow-slaughter backed by the rightist parties took a serious turn when several thousand people led by naked and saffron clothed sadhus marched on the Parliament House resulting in the deaths of a large number of people. This naturally hurt the sentiments of the Hindus. It is in this context that the Congress party faced the general elections in 1967. Though the party won 280 seats out of 520 in the Lok Sabha (and hence a majority), its strength was reduced by about 100 seats. In the elections to the State Assemblies too, it lost some of the major states. The Congress leaders blamed Smt. Gandhi for the debacle. Gradually, a formidable group emerged in the Congress which openly attacked the policies of the Central Government. The group known as 'Syndicate' consisted of Kamraj, Nijalingappa, Sanjiva Reddy, Atulya Ghose

¹ Rajmohan Gandhi, *The Rajaji Story, 1937-1972*, p. 334.

and S.K. Patil. The Finance Minister, Morarji Desai, opposed the policies of Smt. Gandhi from within.

Things came to head when the President, Dr. Zakir Hussain, died in May 1969. The Congress Parliamentary Board, which was dominated by the Syndicate, nominated Nilam Sanjiva Reddy as a candidate for the office of the President despite Smt. Gandhi's opposition. Though she was obliged to put her signatures on one of the Reddy's nominations papers, she made no secret of her dislike of Reddy. She worked for the success of the Vice President, V.V. Giri, who had entered the race and had the support of the leftist parties. She urged the Congressmen to vote according to their 'conscience'. No one had any doubt whom she wanted to support. She did not stop at that. She stripped Desai of the Finance portfolio and nationalised the country's 14 top banks. Desai resigned. She became the left's heroine and darling of the masses overnight. Giri won in the Presidential race defeating both his opponents, Reddy and C.D. Deshmukh. The dreams of those, who wanted to dislodge Smt. Gandhi by putting Reddy in the Rastrapati Bhawan, were shattered. Shortly thereafter the Congress Party was split into Congress (O) led by the Syndicate and the Congress (I) led by Smt. Gandhi.

In Kashmir, the pro-Pakistani elements were demoralised following the 1965 war and the Taskent Declaration. The Sadiq Government was thus comparatively free from domestic trouble for some time. In December 1967, Sheikh Abdullah and his colleagues of the Plebiscite Front were released. This gave an impetus to anti-Indian elements which had so far been lying low. The Plebiscite Front revived its demand for holding plebiscite in the State under the auspices of the U.N. Consequently, Sheikh Abdullah and Mirza Afzal Beg were expelled from the State on January 1, 1971. Four days latter the Front was banned.

Chapter XI

Historic Victory over Pakistan

IN MARCH 1969, President Ayub wanted to impose martial law in certain parts of Pakistan. Gen. Yahaya Khan, the then Commander-in-Chief, told Ayub that if army was to be used and martial law imposed, he, as the head of the army must be in effective control of national affairs. Ayub was made to step down. Gen. Yahaya Khan imposed martial law in Pakistan and became President and Chief Martial Law Administrator on March 25, 1969.

On March 31, 1970 Gen. Yahaya Khan promulgated the 'Legal Frame Work Order' for holding elections in the country and transferring power to the representatives of the people. The West Pakistan unit was simultaneously broken and the former provinces, namely, Punjab, Sindh, North West Frontier and Baluchestan were restored.

In December 1970, general elections took place in Pakistan. The western wing of Pakistan had dominated Pakistan in every walk of life since it came into being in August 1947. It had treated East Bengal, which was now known as East Pakistan, as a mere colony. The main plank of the election manifesto of the Awami League led by Mujibur Rehman was, therefore, the demand for autonomy for East Pakistan. The Awami League

secured an absolute majority in the National Assembly capturing 160 out of 300 seats. The Pakistan People's Party (PPP) founded by Zulfiqar Ali Bhutto emerged as the second largest party with 81 seats. Interestingly, while the Awami League swept the pol in East Pakistan, it did not secure any seat in the western wing of Pakistan. Similarly, the PPP won majority of the seats in West Pakistan but drew a blank in East Pakistan. The East-West divide in Pakistan was complete.

When Mujib staked his claim for forming the Government at Islamabad by virtue of the majority secured by his party in the National Assembly, the pride of military and political leaders of West Pakistan was deeply hurt. Gen. Yahaya Khan and Bhutto agreed at a meeting held at Larkana that in no case power should be handed over to Awami League nor its demand for autonomy for East Pakistan conceded. This hardened the attitude of Mujib. At a meeting attended by a million people at the Dacca Race Course on March 7 he demanded that the martial law should be withdrawn and power be transferred to the elected representatives forthwith. Reacting to Mujib's demand Bhutto said, 'If power were to be transferred to the people before any constitutional settlement, it should be transferred to the majority in East Pakistan and to the majority party here (West Pakistan)¹'. Bhutto thus unwittingly paved the way for vivisection of Pakistan.

President Yahaya Khan reached Dacca on March 16 and entered into negotiations with Mujib. The talks lasted 5 days. They agreed to a formula based on the Six Point Charter² put forward by the Awami League as far back as 1966. Yahaya Khan assured Mujib for withdrawal of martial law and handing over power to the elected representatives. Bhutto rushed to Dacca and told the President that martial law could not be withdrawn before the meeting of the National Assembly. Mujib now withdrew his acceptance of the formula and insisted on the transfer of power separately to the two wings of Pakistan as had been suggested earlier by Bhutto himself. He proposed confederation of two sovereign states with common defence,

1. Asghar Khan, *Generals in Politics*, p.31

2. See Appendix V

foreign affairs, currency and trade. It was not acceptable to Yahaya Khan. The die was cast.

Shortly after midnight of March 25/26, 1971, the forces of Yahaya Khan cracked down on East Pakistan. Mujib and some leaders of Awami League were taken into custody and flown to Pakistan. On March 26, the Awami League declared East Pakistan as a sovereign republic of Bangladesh and set up a provisional Government at Mujib Nagar with Tajuddin as Prime Minister. The entire East Pakistan rose in revolt against the West Pakistani rulers. Repression followed. Thousands of men, women and children were killed and wounded. The Governor and the Martial Law Administrator, General Tikka Khan, earned the nick name of "Butcher of Bangladesh". The General took special care of the academicians and students of the Dacca University and liquidated quite a few of them. The infamous General had to be withdrawn some time later.

The Pakistan army was engaged not only in crushing the freedom movement but also in spreading communal hatred in East Pakistan in order to squeeze out the Hindu community from the ill fated province. The migration of Hindus from East Pakistan started on a massive scale.

Smt. Indira Gandhi had emerged as an unquestioned leader of India when she led her party, the Congress (I), to a resounding victory securing 70% seats in the Lok-sabha in the general elections held in January 1971. The big win at the hustings gave Smt. Gandhi added confidence to deal with the emerging situation on its eastern frontier. While the Mukti Vahini, the military wing of the Awami League, carried on guerrilla activities against the Pakistani armed forces, Smt. Gandhi appealed to the international community to prevail upon Pakistan to meet the legitimate aspirations of East Pakistan and create conditions which might enable the refugees to return to their homes in East Pakistan.

Within a few months the number of refugees crossing over to India reached a staggering figure of 90 lakh. India was now spending a colossal sum of Rs. 7 crore per day on the refugees. The Government of India realised that the cost of their relief and rehabilitation will be higher than even the cost of a full fledged war against Pakistan. At this stage India

entered into a treaty of friendship for twenty years with the U.S.S.R. in August 1971 specially to guard against any foreign intervention.

While keeping the armed forces in a state of full preparedness, India sent delegations to as many as 70 countries to persuade them to bring pressure on Pakistan to reach a peaceful settlement with Mujib so that the refugees might return to East Pakistan and the possibility of an Indo-Pak war could be averted. The Prime Minister, Smt. Gandhi, herself visited Britain, France, Germany and the U.S. to explain to the Heads of Governments of these countries the seriousness of the situation prevailing in the Indian sub-continent. Smt. Gandhi warned President Nixon as also other Heads of States whom she met that 'India was not interested in Pakistan's break up but it was also not committed to the preservation of Pakistan's territorial integrity'¹. The warning went unheeded. On the contrary, the angry and frustrated Nixon made such comments about Smt. Gandhi as were unprintable². He termed her a cold blooded practitioner of power politics³. He often referred to her derogatorily as 'that woman'.

All diplomatic efforts having failed, Smt. Gandhi felt that a war against Pakistan was the only alternative left for solving the gigantic problem of return of refugees from the Indian soil. She asked the Chief of Army Staff, General S.H.F.J. Manikshaw, as to the appropriate timing for launching an attack against Pakistan. The General replied, ''Do not worry Madam, Yahaya Khan will any moment commit an obvious folly and then we would move''⁴.

The General proved to be a prophet. By October 1971, Yahaya Khan came to the conclusion that if Pakistan started a war against India, it would be bailed out by the U.S. and other western powers and the East Pakistan problem would automatically be solved. When the Tehrik-i-Istiqlal leader, Air Marshal Asghar Khan, asked General Gul Hassan, Chief of General Staff of the Pakistan Army, as to what was the answer

1. Krishna Bhatia, 'Indira', p.253-54

2. Hennary Kissinger, The White House Years, p.848

3. Hennary Kissinger, *Ibid*, p.879

4. Krishna Bhatia, 'Indira', p. 253-54

to the grave situation in East Pakistan where even after seven month's blood bath the Pakistan army had failed to crush the Awami League movement for independence, the latter replied "The only answer is to start a war against India". Asghar Khan asked, "Why?" The General said in all seriousness, "In order to have a cease-fire."¹

Yahaya Khan imposed emergency in Pakistan on November 24 and gave a clear signal to India that Pakistan was getting ready to strike. On the very day, he declared that he would be on the front within ten days. Though he did not go to the front, he started war against India exactly within ten days.

Emulating Israel's action against the U.A.R. (Egypt) in 1967, the Pakistan Air Force made a pre-emptive strike against a number of IAF stations including Srinagar, Ambala, Agra and Jodhpur on the evening of December 3, 1971. It, however, proved a dismal failure because of two reasons. Firstly, PAF did not employ sufficient planes and secondly, the surprise element was absent. Yahaya Khan's actions had given India sufficient notice to take measures to guard its air fields, planes and other installations.

When the PAF started bombing Indian air fields, the Prime Minister was at Calcutta, the Defence Minister Jagjiwan Ram at Patna and the Finance Minister Y.B. Chouhan at Bombay. They all cut their visits short and rushed to New Delhi. The Prime Minister, Smt. Gandhi, went on the air at 10.00 p.m. after keeping the people at tenterhooks for quite some time and informed the nation that India and Pakistan were at war. She proclaimed emergency throughout India. Before sunrise on December 4, the Indian Air Force destroyed most of the Pakistan air force installations and paralysed its Air Force. Thus, the IAF could easily establish its superiority in the sky right from the beginning of the war. This made the task of the Indian army easier in Pakistan and specially in its eastern wing. The Indian Navy did not lag behind in this all out war. It torpedoed Pakistan's only sub-marine Ghazi and sank or destroyed several gunboats, two war ships and a destroyer. It also damaged the sea-port of Karachi and bombarded its petrol installations.

^{1.} Asghar Khan, *Ibid.* p.41

By December 15, the resistance of Pakistan armed forces in East Pakistan had practically come to an end. It was a different matter that Pakistan's new Foreign Minister, Z.A. Bhutto, had still been talking in the Security Council for a thousand year-war against India. In his order of the day, Gen. Manekshaw asked the Pakistan Commander, Lt. Gen. A.A.K. Niyazee, the same evening, for surrender and simultaneously ordered a pause in the aerial bombing over Dacca as a token of good faith.

Meanwhile, the U.S. President, Richard Nixon continued his policy of 'tilt' towards Pakistan. He suspended the U.S. aid to India and dispatched the air craft carrier 'Enterprise' with escorting ships of the Seventh Fleet to the Bay of Bengal to frighten India. The U.S.S.R. fleet followed the Enterprise. India remained undaunted. The Enterprise proved a paper tiger.

In the Security Council the U.S. supported by China made a futile attempt to declare India as an aggressor. The Foreign Minister and now Deputy Prime Minister designate of Pakistan, Z.A. Bhutto, weeping and wiping his face with handkerchief, declared that he would not return home with documents of capitulation. In a voice chocked with emotion Bhutto termed the Security Council as impotent and incompetent. He said, "We are your guineas pigs. You want to lick us the dust. We will not lick the dust"¹. Whether Bhutto licked the dust or not, his President, Yahaya Khan, surely did. Throughout the proceedings in the Security Council the U.S.S.R. and the East European countries unreservedly supported India and the cause of liberation of the people of East Bengal.

On December 15 when the war in East Pakistan was on the concluding stage, Smt. Gandhi in her famous latter to Nixon² reminded him of the values for which the U.S. stood and asked him whether the release or even secret negotiations with a single human being, namely Sheikh Mujibur Rehman, was more disastrous than waging a war? Nixon never replied to this letter.

General Niazi surrendered on behalf of 80,000 officers and men of the Pakistan armed forces at 4.31 pm on December

1. The Hindustan Times, December 17, 1971, p.7

2. Appendix-VI

16, 1971 at the famous Race Course Maidan in Dacca to Lt. General, J.S. Aurora, Commander of the Indian troops in East Pakistan. General Niazi, known in Pakistan as 'Tiger', stripped off his badges of rank from his right shoulder, unloaded his revolver, handed over the bullets to General Aurora and finally pressed his fore-head to that of the Indian Commander as a customary act of surrender.

Smt. Gandhi received a standing and tumultuous ovation for several minutes when she entered the Lok Sabha at 5.30 pm on the historic day to announce the unconditional surrender of Gen. Niazi and his men. She declared that Dacca was the free capital of free Bangladesh and announced a unilateral cease-fire on the western front effective from 8.00 pm. on December 17. She expressed the hope that the father of the newly born nation, Sheikh Mujibur Rehman, would take his rightful place and lead Bangladesh to peace, progress and prosperity. Every sentence of the statement of the Prime Minister was punctuated with thunderous slogans of 'Indira Gandhi Zindabad' and 'Joy Bangla'.

Not after the epic Ram-Rawan war in Shri Lanka in the mythological Tretayug did India score such a brilliant and great victory on a foreign land. No wonder the people throughout India sang, danced, exploded crackers and illuminated their houses to celebrate the great event. Everywhere including Kashmir, the slogan 'Indira Gandhi Zindabad' reined the air. Smt. Gandhi has undoubtedly passed into history as an all time great.

In Pakistan the official news given to the people was, "We are holding them". The crest-fallen President Yahaya Khan in a broadcast told his people that temporary retreat on one front in such a big war did not mean the end of war. But in the streets of Rawalpindi and elsewhere the mood of the people had changed. It swung to anguish and disbelief, as people realised that Pakistan Army's resistance in East Pakistan had crumbled. The official optimism could not mask the question the people had started asking, 'What happens now in West Pakistan?' And the people were very much right. But for India's unilateral cease-fire on the western front, the future of what remained of Pakistan was certainly in danger.

With initial brevity, Gen. Yahaya Khan accepted the ceasefire on the western front and with it the 13 day Indo-Pak war ended. There was now a cry for Yahaya Khan's head in Pakistan. He had to go. The President of the PPP and the Foreign Minister Z.A. Bhutto replaced him as President and Chief Martial Law Administrator.

On the Bangladesh front 8400 men and officers were killed and 9000 wounded on Pakistan's side. Besides, 80000 men and officers of Pakistan's army and 12000 of the auxiliary forces were made prisoners of war. On the Indian side, 1476 men and officers were killed and 4201 wounded. On the western front, 3000 men of all ranks were killed and 10,000 wounded on the Pakistan side, while 1175 men and officers were killed and 4360 wounded on the Indian side. Besides, Pakistan lost 181 tanks, its only submarine 'Ghazi', 12 gunboats, 2 naval ships and a destroyer.

In addition to the entire East Pakistan, Pakistan lost an area of 474 square miles in West Punjab, 4763 sq. miles in Sindh and Kutch and 480 square miles in Azad Kashmir. Indian losses were 53 square miles of area in the Chamba sector (Kashmir), 69 sq. miles in East Punjab and 5 sq. miles in Ganganagar district of Rajasthan.

One fundamental consequence of the war was that the myth of national unity on the basis of religion perpetuated by M.A. Jinnah, the Founder of Pakistan, was exploded. Islam could not retain the two wings of Pakistan together in spite of the fact that the majority of both the wings were followers of Islam. Benazir Bhutto, daughter of Z.A. Bhutto and later Prime Minister of Pakistan, has stated in her autobiography, "Our common religion of Islam, which we always believed would transcend 100 miles of India, which separated East and West Pakistan, failed to keep us together".

The growing dissatisfaction in Pakistan over the delay in repatriation of the POWs and continued occupation of Pakistan territory by India forced the Pakistan President Z.A. Bhutto to visit India for talks with Smt. Gandhi. His daughter, Benazir, accompanied him. After prolonged parleys at Shimla, an

^{1.} Benazir Bhutto, 'Daughter of the East', p.52

agreement, known as Shimla Agreement, was signed between the two leaders on July 3, 1972. The agreement, inter-alia provided :

1. The two countries shall settle their differences by peaceful means through bilateral negotiations or by other peaceful means mutually agreed upon.
2. Indian and Pakistani forces shall be withdrawn to their side of the international border.
3. In Jammu and Kashmir, the line of control resulting from the cease-fire line on December 17, 1971 shall be respected by both sides without prejudice to the recognised position of either side.

Consequently India had to return 5238 sq. miles of territory to Pakistan in return of bare 74 sq. miles of territory to India. In Jammu and Kashmir India retained 480 sq. miles. The net gain to India was 427 sq. miles of territory. The other gain, which though important but notional, was that the third party intervention was ruled out in settling Indo-Pak differences. The agreement was silent about the release of POWs. They could not, however, be retained for long and had to be released and repatriated to Pakistan a few months later.

India's strategy of conducting the war was par-excellence. The same, however, cannot be said of our performance at the negotiating table. We gave up the Pakistani territory we conquered. We released the POWs without claiming war damages. We could not even get the cease-fire line converted into an international border. We had been generous in treating out enemies in the past and paid the penalty. This time too, we were generous to the enemy without learning the lessons from history.

Apart from being involved in hundreds of border skirmishes, Pakistan had three major wars with India in 25 years of its existence. Since 1971, it has refrained from launching any major attack against India. Having lost its eastern wing, it has perhaps realised that another war with India may lead to its further disintegration or even extinction. It has, however, continued to nurse the grievance that it were the Indian armed forces which turned East Pakistan's demand for

independence into a reality. For about a decade it has been consistently training, arming and financing the terrorists in Punjab and Kashmir in an attempt to destabilise India and avenge the defeat of 1971.

Chapter XII

The End of an Era

THE CHIEF MINISTER of Kashmir, G.M. Sadiq died on December 13, 1971 when the Indo-Pak war was in full swing. Sadiq had neither the charisma of Sheikh Abdullah nor the organising ability of Bakshi Ghulam Mohammad. Yet he had certain qualities which stood him in good stead during his 8 year stewardship of the State. His integrity was beyond doubt. No stigma of favouritism or nepotism was attached to him. His love and loyalty to India was complete. On the death of this noble man, Syed Mir Kashim became Chief Minister of the State.

Pandit Nehru had once said that article 370 of the Constitution of India, which conferred special status on Kashmir, would be gradually eroded. The credit for eroding it substantially, if not fully, should go to Sadiq. In the very first year of his administration (1964), articles 356 and 357 of the Constitution of India has been extended to the State enabling the centre to impose President's rule on failure of the constitutional machinery in the State. Ironically, these are the very provisions for whose deletion or limited use a number of political parties in the country have been agitating since long. In May 1955, the designations of the Sadre-riyasat and the Prime Minister were changed to Governor and Chief Minister

by amending the State's Constitution. The same year, a number of central labour laws were made applicable to the State.

In 1966, the provisions of Indian Constitution in respect of direct election of the representatives to the Lok Sabha were extended to the State. The Supreme Court of India had already been empowered to grant special leave to appeal from the decisions of the State High Court in 1960. In 1968, the jurisdiction of the Supreme Court was extended to hear appeals against the decisions of Kashmir High Court in election petitions also. In 1969, the Unlawful Activities (prevention) Act was made applicable to the State. In 1971, the State High Court was empowered to issue certain writs.

There was a perceptible change in the tune and tenor of public speeches and statements of Sheikh Abdullah made from time to time since the humiliating defeat of Pakistan in the Bangladesh war at the hands of India. He made certain conciliatory moves through some intermediaries to which Smt. Indira Gandhi gracefully responded. Negotiations started in 1972 between G. Parthsarathy, the trouble-shooter of Smt. Gandhi and Mirza Afzal Beg, a confidant of Sheikh Abdullah. Much time was wasted on form rather than on substances of the settlement. Ultimately, it was after about three years that a settlement, known as 'Kashmir Accord' was signed on February 24, 1975.

The Accord did not materially alter the constitutional relationship between India and Kashmir nor did it affect the provisions of the Constitution of India and the various laws extended to Kashmir. More important than the Accord, however, was the unwritten understanding under which the State Congress Legislature Party (CLP), which has 45 members in the Assembly having a total strength of 75, was made to elect Sheikh Abdullah as leader whose own supporters in the Assembly then were just three. The Chief Minister, Syed Mir Quasim, resigned and Sheikh Abdullah was sworn in his place on February 25, 1975.

It was expected that the Sheikh and his followers would join the Congress Party after his election as leader of the CLP. Nothing of that sort happened. On the contrary, the Sheikh revived his National Conference and became its President in

April 1975. In July, he merged the Plebiscite Front in the National Conference. As if all this was not enough, he included a few Congressman in his Cabinet in October without consulting the Congress High Command or even the State Congress. He started criticising the Congress day in day out. The Congress leadership watched the activities of the Sheikh as a helpless spectator till March 1977, when the CLP withdrew its support to the Sheikh and staked its claim to form the Cabinet as a majority party in the Assembly. As a counter, the Sheikh recommended the dissolution of the Assembly to the Governor. The latter promptly obliged. The Sheikh thus turned the table on the Congress party. It may be recalled that by now the Janta Party had come into power at the Centre as a result of elections to the Lok Sabha.

The elections to the State Assembly were held in June 1977. The National Conference swept the polls. It secured 48 seats as against 10 by the Congress and 11 by the Janta. Sheikh Abdullah thus returned to power in his own right. He was now the virtual dictator in Kashmir. He withdrew cases against 30 hard core activities of the Al-Fatah, a subversive organisation responsible for loot, murder and bank-dacoities and for spreading communal hatred in the Valley. He dismissed his close colleague, Mirza Afzal Beg, from the Cabinet in September 1978 and expelled him from the National Conference a few days later.

The process of integration of Kashmir with India, which got an impetus during G.M. Sadiq's regime, came to grinding halt. The Kashmir Grant of Permit for Resettlement Bill 1982 passed by the Assembly was in fact a major step in the reverse direction. The bill was an open invitation to all those Kashmiries, who had crossed over to Pakistan to Azad Kashmir and settled there for long, to return to Kashmir and settle there. The Governor, B.K. Nehru, quite rightly sent the Bill back to the Assembly for reconsideration. The action of the Governor was condemned and his resignation demanded by the Sheikh Ministry.

Conscious of his failing health, Sheikh Abdullah handed over the presidentship of the ruling National Conference to his son Dr. Farooq Abdullah at the annual session of the

Conference held in Srinagar on August 21, 1981. He had in fact made Farooq's path clear when he expelled Beg from the National Conference four years back. The action of the Sheikh caused consternation amongst some senior members of the National Conference including his own son-in-law G.M. Shah. None had, however, the courage to oppose the Sheikh but the seeds of dissidence had been sown in the party.

Sheikh Abdullah, popularly known as 'Sher-e-Kashmir', breathed his last on September 18, 1982. In his death an era had come to a close in the State. The people gave him a spectacular and hero's funeral unsurpassed in the history of Kashmir. He was a fighter first and fighter last. He dominated the political scene in Kashmir for more than half a century whether in power or out of it, in jail or out of it. He spent fourteen years in jail four spells. Incidentally, he spent as many years as Chief Ministers of the State too.

As a prominent leader and once as President of the All India States People's Conference Sheikh Abdullah made notable contribution to the cause of freedom of the people of the Indian States from the tyrannical rule of the princes. In his own State he launched the 'Quit Kashmir' movement and paved the way for abolition of the princely order. He abolished feudalism and made the tiller of the soil as the owner of the land, though reactionary elements in India attributed these radical reforms as a measure to deprive the minority community of their jagirs and large land holdings.

During the Janta rule (1977-79) at the Centre, when Smt. Indira Gandhi was in political wilderness and was being harassed by the Janta Government in various ways, the undaunted Sheikh invited her to Srinagar and gave an unprecedented welcome which will be remembered for long. She was taken in a boat procession in the flittering lights which would have been an envy even to the great Mughals.

Sheikh Abdullah had his virtues and so also his shortcomings. Though he failed to realise his hidden ambition to become Sultan of Kashmir in the tradition of the thirteenth century heroes like Rinchana and Shah Mir, he virtually ruled Kashmir like the Nawabs of the medieval India. Knowing as he did that he could keep the Kashmir masses spellbound by

his charismatic personality and oratory, he cared neither for New Delhi nor for his colleagues. He was convinced that they needed him more than he needed them. Even as early as 1953, he ignored the summons and invitations of his mentor and well wisher, Pandit Nehru, to visit New Delhi for discussions on the deteriorating situation in Kashmir. Ultimately, Nehru had to go to Srinagar to meet the great Mughal¹. Sheikh's colleagues in the Cabinet and in the National Conference were wholly disenchanted with his style of functioning with the result that most of his life long comrades in the struggle like Bakshi, Sadiq, Shamlal, Mir Quasim and even Mirza Afzal Beg left him one by one, so much so that only colleagues left with him by the time of his death were members of his family. Be that as it may, India owes as much to Sheikh Abdullah as to Pandit Nehru for accession of Kashmir to India. Notwithstanding his subsequent somersault, it has to be admitted that but for the massive political and ground support extended by Sheikh Abdullah and his National Conference at the time of the invasion of Pakistani tribesmen, even the great Indian army could not have achieved what it could during the 1947-49 operations.

¹. B.N. Mullik, *Ibid*, p.36

Chapter XIII

The Uneasy Succession

SHEIKH ABDULLAH, in his own life time had tried to clear the way for the succession of his son, Dr. Farooq Abdullah, as Chief Minister of Kashmir. He got rid of his life long comrade and number two man, Mirza Afzal Beg, from his Cabinet as well as from the National Conference in 1978. Later on, he appointed Dr. Abdullah as President of the National Conference ignoring the claim of his son-in-law G.M. Shah who had stood by him through all thick and thin from the days when Farooq was only a student of a medical college in Jaipur. The installation of Dr. Abdullah as Chief Minister on September 8, 1982 divided not only the ruling National Conference but also the Sheikh family. Since, however, Dr. Abdullah had the support of the majority of the National Conference MLAs and blessings of Prime Minister Smt. Indira Gandhi, Shah had no option but to wait for an appropriate opportunity to strike. The opportunity did come but after waiting for about 2 years.

To assert his claim to popularity in the manner of his father, the first thing Dr. Abdullah did was to get the controversial Resettlement Bill passed by the Assembly for the second time. The late Sheikh Abdullah had this populist measure through the Assembly in 1982 but the Governor, B.K. Nehru returned it to the Assembly with the message that

the Bill suffered from certain constitutional infirmities. Now that the Assembly had again put its seal of approval, the Governor had no option but to give his assent to the Bill according to the provisions of the State Constitution. The bill thus became an Act.

The Resettlement Act had serious implication for Kashmir and for India. If put into effect, it would have opened the flood gates to anti-Indian and subversive forces to enter into Kashmir in a big way not only causing undue strain on the Centre in the resettlement of thousands of migrants from the other side of the border but also throwing the law and order machinery in the State out of gear. Smt. Gandhi was upset. She invited Dr. Abdullah to New Delhi and told him in no uncertain terms that apart from the constitutional and financial implications of the Act, it was against the letter and spirit of the Kashmir Accord reached with his father, the late Sheikh Abdullah. Dr. Farooq Abdullah relented and agreed to refer the matter to the Supreme Court for advice as a face-saving device. It is still pending in the Court. Neither the State Government nor the Centre has since considered it necessary to remind the august Court to resume hearing. Dr. Abdullah, however, continued his anti-Indian theme which he got as a legacy from his father. It culminated in the straight fight between the National Conference and the Congress (I) in the elections to the State Assembly held in June 1983.

Dr. Abdullah joined hands not only with the pro-plebiscite Awami Action Committee Chief, Mirwaiz Maulvi Farooq of the 'Moe-e-Muquaddas' fame and pro-Pakistani elements but also with the Akalis who had been creating trouble in Punjab in league with Pakistan. He led his National Conference to victory conceding only 26 seats to the Congress (I) at the hustings and became Chief Minister in his own right.

Dr. Abdullah had incurred the hostility of the Centre not only for opposing the Congress (I) but by joining hands with pro-Pakistan elements. The victory of Abdullah encouraged the pro-Pakistan elements to create trouble in the State. They freely took out processions in the Valley shouting slogans such as 'Pakistan Zindabad'. There were incidents of insult to the National Flag. Bomb blasts occurred at various places

rather frequently. In January 1984, four Congressmen were killed in police firing at Anantnag.

In early 1984, the term of B.K. Nehru as Governor was coming to an end. The Government of India was now in search of a successor who could keep a close eye on the happenings in the State. The choice fell up on a former bureaucrat, Jagmohan, of the emergency fame. He had served as Vice-Chairman of the Delhi Development Authority during the period of emergency and subsequently as executive head of Goa and Delhi administrations in the capacity of Lieutenant Governor.

Jagmohan joined as Governor of Kashmir on April 26, 1984 with certain amount of exaggerated notions of governorship. According to him, if milk pure action is expected from the Governor, other components of the power structure should also act in a milk pure way¹. In other words, if a Chief Minister acted in an irresponsible manner in the discharge of his functions, the Governor was also free to act in a similar manner. Jagmohan held the view that 'a Governor should not act as a cipher or as a rubber stamp or as a foggy old man standing in a corner with a wooden face and stony eyes'². He felt that 'if a Governor had to do in all circumstances what his advisers told him to do, then it would be more rational to have a robot or not to have him at all'. He asserted that the Governor has a 'reserve area' of power which remains dormant in day-to-day affairs of the State but becomes crucial in moments of crisis³.

As far as the founding fathers of our Constitution were concerned, they meant to make the Governor a 'robot'. While speaking on the powers and functions of the Governor in the Constituent Assembly, the Chairman of the Drafting Committee, Dr. B.R. Ambedkar, made it clear that 'the Governor was required to follow the advice of his Ministry in all matters and was not to have any functions in which he was required to act in his discretion or exercise his individual judgement'⁴. Even

1. Jagmohan, *My Frozen Turbulence*, p.256

2. Jagmohan, *Ibid*, p.258

3. Jagmohan, *Ibid*, p.258

4. Shiva Rao, 'Framing of the Constitution, Vol. I, p.395

in 'moments of crisis', the Governor has to act on the advice of his Ministry as long as it enjoyed the confidence of the legislature. The Provincial Constitutional Committee had, of course, recommended that 'the Governor would act in his discretion in the matter of prevention of any grave menace to the peace and tranquillity of the Province or any part thereof'. The Constituent Assembly, however, rejected the recommendations obviously because the Governor was to be nominated by the President and not elected by the people¹. There was no grey or reserve area as such in which he could act in his discretion.

Be that as it may, Jagmohan came on the scene at a time when the Chief Minister was facing trouble not only from the Congress (I) but also within his own party. Dr. Abdullah was certainly unequal to the task of facing challenges simultaneously on both the fronts.

The relations between the Congress (I) and Dr. Abdullah had been under strain since the June 1983 elections. Subsequent happenings in the Valley only helped widen the gulf between them. On the other hand, G.M. Shah had been nursing grievance against the leadership of the National Conference for his being ignored continuously. Dr. Abdullah did nothing either to mend his fences with the Congress (I) leadership or to sooth the feelings of his brother-in-law G.M. Shah and let things slip out of his hand.

The first shot in the internal feud of the National Conference Legislature Party (NCLP) was fired by Abdul Jabbar MLA, a supporter of G.M. Shah. He came out in open demanding dismissal of Dr. Abdullah as Chief Minister for his alleged misdeeds. The war of nerves started now in the two camps. On May 27, 1984 G.M. Shah held the convention of the 'National Conference' and removed Dr. Abdullah as President of the party and 'expelled' him from it for his anti-party activities. The convention elected Begum Khalida Shah, wife of G.M. Shah and sister of Dr. Abdullah, as President of 'National Conference'. A similar convention was held a little later by Dr. Abdullah which expelled Shah from the party. As a result of the split in the party, the group headed by Begum

¹. Shiva Rao, *Ibid*, p.388

Khalida was known as National Conference (Khalida) and the other group as National Conference (Farooq).

The Congress (I) now joined hands with Shah in the toppling game. Shah had the support of 39 MLAs, 12 of the N.C., one independent and 26 of the Congress (I). Dr. Abdullah was thus reduced to minority in the Assembly. On July 2, 1984 Shah accompanied by the 13 MLAs and leader of the Congress Legislature Party (CLP), Iftikhar Hussain Ansari, met Governor Jagmohan and told him that with 39 MLAs supporting him, Dr. Abdullah no more enjoyed the confidence of the Assembly and that he should be invited to form the Government. The Governor was convinced of the claim. He had, however, other ideas. He felt that Dr. Abdullah should go but that he himself should take over the administration.

Jagmohan called Dr. Abdullah to Raj Bhawan and told him that he should forthwith tender resignation of his Government as he had forfeited the confidence of the Assembly. He told him that the best he (Jagmohan) could do for him was to impose Governor's rule in the State in-stead of allowing his adversary, G.M. Shah, to form the Government. Dr. Abdullah agreed to the suggestion without hesitation. The Governor asked him to confirm it in writing which he promised to do. When no such confirmation was received for two or three hours, the Governor sent the Chief Secretary to meet Dr. Abdullah and bring the desired letter. The Chief Secretary did bring the letter from Dr. Abdullah, but in the letter Dr. Abdullah, in-stead of agreeing to bring the State under Governor's rule, requested the Governor to convene the Assembly so that he could prove his majority on the floor of the house.

Meanwhile, the Governor sent a wireless signal to the President seeking his concurrence to the Proclamation he proposed to issue to impose Governor's rule under Section 92 of the Constitution of the State. He did not state in the communication to the President that G.M. Shah, who commanded the support of the majority of the members of the Assembly, had staked his claim to form the alternative Government. Taking the concurrence of the President for granted, the Governor proceeded with making necessary arrangements of bringing the State under his rule. In fact, he

made his intentions clear to G.M. Shah also who was waiting for the summons of the Governor for the swearing in ceremony. Fortunately, for Shah he had not to wait in vain.

It was well known that the State Congress had reached an understanding with G.M. Shah apparently with the blessing of the Prime Minister and the Congress President Smt. Gandhi. There was, therefore, no question of her letting down either her party or G.M. Shah. It is surprising that a shrewd person like Jagmohan could not follow and appreciate these developments. The Political Affairs Committee of the Union Cabinet met in the afternoon (July 2, 1984) to consider the request of the Governor for conveying the concurrence of the President to enable the Governor to issue Proclamation imposing Governor's rule in the State. The request was turned down. The attempt of Jagmohan to subvert the democratic process in the State thus failed.

It was for the first time in the constitutional history of free India that the recommendations of Governor for imposing Governor's/President's rule were rejected by the President. Jagmohan had to eat the humble pie and allow Shah to form the Government.

Chapter XIV

The Beginning of Destabilisation Process

THE SHAH GOVERNMENT assumed office in the first week of July 1984 in not too happy a situation. In the 78 member strong Assembly Shah's own party, the National Conference (K), had only 12 MLAs. His survival as Chief Minister, therefore, depended on his major coalition partner, the Congress (I), which had a strength of 26 MLAs. Barring his own wife Khalida, practically the entire Sheikh family, which still enjoyed considerable respect in the Valley, was opposed to Shah. Since it was known that Khalida was behind the downfall of Dr. Abdullah, her mother Begum Abdullah, popularly known as 'Madre-Meharban' went to the extent of performing 'Namaz-e-Janaza' (funeral prayer) for her on the installation of her husband as Chief Minister. Over and above these factors, there was an angry Jagmohan whose attempt to impose Governor's rule in the State had been foiled by Shah and his Congress allies.

The Shah regime, which did not last, was one of active intervention by the Governor in the affairs of the State. There were a number of cases in which the Governor sent notes

and letters to the Chief Minister making him and his colleagues jittery. To cite an example, in January 1985 the Shah Cabinet decided to confer proprietary rights to the leasees of the Government land at half the market value and to regularise all unauthorised occupations of nazool lands. There was nothing unusual about the decision, as similar steps had been taken practically by every State Government. Only recently, the Central Government headed by Chandra Shekhar took similar steps in the Union territory of Delhi. In fact, more can be said in favour of such a decision that against it. The Governor, however, put his foot in on the ground that the decision would confer a big and wholly unwarranted bonanza to the richer classes. The hapless Ministry gave in and dropped the matter.

The Governor often expressed his resentment over 'reckless' transfers and appointments of 'undeserving persons' in 'key positions'. In the case of an appointment on the post of the Chairman of Jammu and Kashmir Bank, he went to the length of making a complaint to the Governor of the Reserve Bank of India over the head of the State Government and succeeded in scuttling the appointment.

The merits or the demerits of the actions of the Shah Cabinet apart, the Governor had certainly transgressed the limit imposed on him as constitutional head of the State. Any other Government having strong political base would have created a first class political crisis in similar circumstances and sent the Governor packing. The Governor has the right to know and the right to obtain reports from the Ministry. He has, however, no right to function as a parallel centre of power along with a Council of Minister enjoying the confidence of the legislature.

The Chief Minister, though had majority support in the Assembly, knew that Jagmohan enjoyed the confidence of the Prime Minister. He thus quietly acquised in the day-to-day interference of the Governor. In-spite of this, Shah could not escape the wrath of the Centre. On March 7, 1988 the Centre agreed to impose Governor's rule in the State for a period of six months. The Governor dismissed the Shah Ministry and took over the reins of Government. Thus, he had his revenge against Shah and his Congress allies who had upset his plans

to bring the State under Governor's rule in 1984. After six month's Governor's rule, Jagmohan ran the administration under the President's rule for another two months.

The Governor's rule will be remembered for the contribution made by Jagmohan in the development of the famous Vaishnodevi shrine situated in a cave in the Trikuta hills about 45 kms. away from Jammu. Though the shrine attracted about two million tourists and pilgrims every year, its affairs were badly managed by a Trust. Insanitary conditions prevailed all around the shrine complex. To negotiate a walk from Katara to the cave was a nerve breaking exercise. The Trust collected huge funds largely through the offerings from the lakhs of devotees, it however spent little on the upkeep or development of the shrine complex. Jagmohan promulgated an Ordinance and set up an autonomous body known as the "Mata Vaishno Devi Shrine Board" with the Governor as ex-officio Chairman for proper management of the affairs of the shrine and its complex.

Jagmohan as Chairman of the Board took up the development of the shrine and its complex on a massive scale. He widened and tiled the entire 14 km. long route from Katara to the cave and lighted it with sodium lamps. Twenty six shelter-cum-cafteria units were set up and modern sanitary facilities provided all through the route for the convenience of the tourists. A number of rest houses, shops, kiosks and dispensaries were constructed in and around the complex. Large scale plantation was undertaken and dozens of green spots were developed in the area. The complex was turned into a heaven within the 'Heaven', as Kashmir is known.

Jagmohan had the grievance that the successive regimes in Kashmir had discriminated against Jammu and Ladak. This was undoubtedly true. Commissions and committees had been appointed from time to time to recommend measures to remove regional imbalances in the State. Their recommendations had, however, seldom been implemented.

During Governor's rule in the State, Jagmohan set up a development authority for Leh (Ladak) to undertake urban improvement works and modernise civic services. He formulated a housing project there and started construction

of 200 dwelling units. This was in all the contribution he made to the development of Ladak during eight months of his rule.

As for Jammu, Jagmohan has not given the catalogue of the schemes undertaken by him except the development of the Vaishnodevi Shrine, though this in itself was a major achievement. While he condemned his predecessor-regimes for not creating new districts of Kistawar, Sambha and Reasi in the Jammu region in accordance with the recommendations of the Wazir Commission, he himself did nothing in this direction during his rule. If he had made up his mind, the districts could have been created in a week's time.

There is no doubt that Jagmohan was a man of action. His integrity was unquestionable. He meant good for the people. Yet, he was wholly out of tune with the democratic aspirations of the people. Often the autocrat in him took the better of him.

It may be recalled that Smt. Gandhi had been assassinated in October 1984. She was succeeded by Rajiv Gandhi as Prime Minister at a time when secessionist movements were taking roots in Punjab and Assam. The situation in Kashmir was no better. Rajiv Gandhi followed the policy of reconciliation in place of confrontation in dealing with these States. He entered into an agreement with Sant Harchand Singh Longowal in July 1985 to end the four year old confrontation with the Akalis in Punjab. In August 1985, he reached settlement with the leaders of the Gantantra Parishad in Assam where anti-foreigners' agitation had been going on for last six years. In Kashmir, he reached an accord with Dr. Farooq Abdullah. He lifted the President's rule and installed a National Conference-Congress coalition Government headed by Dr. Abdullah on November 7, 1986. The democratic process was thus once again set in motion in the State to the regret of the Governor who felt that the institutional frame work he had created during the Governor's rule would be dismantled.

Jagmohan later complained that political masters were soon back at their old game of manipulation and jockeying for personal and party patronage. He assessed the situation in March 1988 and found that the administration was top

heavy and that eleven Government undertakings suffered losses to the tune of Rs. 71 crore. While shortage of funds was talked about, the State Government purchased a helicopter.

The facts stated by Jagmohan may be correct. All the same the administration did not become top heavy merely during the last 15 months of Dr. Abdullah's regime. It must have been the product of several years. Jagmohan has not stated that what steps did he take during the 8 month long Governor's rule to economise expenditure on the top heavy administration.

Jagmohan wondered why there was an extra ordinary rush for Government jobs? He found the answer soon. In Kashmir the jobs brought in a lot of extra income. There were holidays, too little official work and too many avenues for making quick money. Jagmohan's experience in administration was limited to Delhi and Goa. He had no opportunity to serve any major State. Otherwise, he would have found to his chagrin that things elsewhere were the same, if not worse. As for the helicopter, the poor State of Rajasthan had it even earlier than Kashmir.

Be that as it may, fresh elections were held in Kashmir. The coalition partners, viz., the N.C. and the Congress (I) swept the poll. Dr. Abdullah formed the Government in March 1987. The signs of unrest started appearing in the State in the later part of 1988. On Pakistan Independence Day (August 14, 1988), green flags were hoisted, while on India's Independence Day black flags were seen at a number of places in Srinagar. There were few bomb explosions too. Then there were Shia-Sunni clashes leading to the abandonment of the Moharrum processions.

In September, a number of incidents of firing by subversive elements with sophisticated arms took place. The incidents included attempts on the lives of a DIG and a retired Session Judge, who had sentenced Maqbool Bhutt to death on charges of bank robbery and murder of the manager. Similar incidents took place in subsequent months also. The Governor brought all these happenings to the notice of the Government of India from time to time. In one of his letters to the Prime Minister, he stated that Dr. Abdullah stood isolated in the Valley.

Dr. Abdullah was aware of the propaganda being carried on by Jagmohan against him. He met the Prime Minister and others who mattered and told them firmly that it would be almost impossible for the coalition Government to shoulder the responsibility of running the State administration as long as Jagmohan was Governor. There was no question of removing a democratically constituted Government. On July 12, 1989 Jagmohan was replaced by General Krishna Rao as Governor.

The general elections to the Lok Sabha were held in November 1989. Taking advantage of the fact that the police and paramilitary forces were engaged in election duties and the leaders of the National Conference, Congress (I) and other political parties were busy in electioneering, the subversive elements in the State became active. The Vice President of the State BJP was gunned down, a retired Session Judge (Ganjoo) was murdered on a street in Srinagar brutally and a journalist, P.N. Bhutt, killed in Anantnag. All these events boosted the morale of the terrorists in the State. At the same time, the press in India demanded Dr. Abdullah's blood.

In the Lok Sabha elections, the Congress (I) was defeated. Rajiv Gandhi tendered the resignation of his Government. The National Front consisting of the Janta Dal, the Telegudesham, the AGP, etc., staked the claim to form the Government and elected V.P. Singh as its leader. V.P. Singh, who was sworn in as Prime Minister on December 2, 1989, formed the Government. Mufti Mohammad Sayeed, a Jan Morcha leader from Kashmir and elected to the Lok Sabha from U.P., was entrusted with the Home portfolio. The changes at New Delhi had their echo in Kashmir.

On December 8, the Union Home Minister Mufti's daughter Rubaiya, who was studying at a medical college in Srinagar, was kidnaped by the JKLF terrorists. The Government of India became paniky. It compelled the State Government to release five hard core terrorists as demanded by the extremists in exchange of Rubaiya. After terrorists were released by the Government, Rubaiya was escorted to her house safely on Dec. 13. The people of Srinagar accorded a hero's welcome to the released terrorists and took them in a victory procession organised on a scale unheard of in Kashmir's history. The

Centre and the State Government were mere onlookers to the scenes enacted in the Valley. The event boosted the image of militants beyond all proportions.

It is undoubtedly true that subversive elements in the State had become active during Dr. Abdullah's regime. There were as many as 40 terrorist organisations functioning in the State. Though most of them were not of much consequence, the JKLF, the Hizab-ul-Mujahinden, the Hizabullah and the Students Liberation Front had acquired respectability in the Valley. These organisation, however, got a big boost following the release of five terrorists in exchange of Rubaiya.

There is a little doubt that Pakistan helped the terrorists in every way. There were as many as 39 centres in Pakistan and Azad Kashmir where terrorists were trained in handling sophisticated arms and in the acts of sabotage. The Pakistani army and the paramilitary forces helped the terrorists from time to time in crossing the border into Kashmir. The activities of the terrorists were coordinated by the Inter Services Intelligence of Pakistan (ISIP) and financed by the Pakistan Government.

Chapter XV

The Uncalled for Dissolution of Assembly

ON JANUARY 17, 1990 the Governors of various States tendered their resignations to the President as demanded by the V.P. Singh Government. It is unfortunate that in India a convention has still to develop by which the Governors and other political appointees lay down their offices voluntarily with the change of the Governments as in other democracies of the world.

On January 19, the appointment of Jagmohan as Governor of Kashmir was announced in place of Gen. Krishna Rao. The choice was deliberate. Jagmohan had been removed as Governor of the State only a few months back by the Rajiv Gandhi Government at the instance of Dr. Abdullah. The decision of the new Government was criticised not only by the Congress (I) and the National Conference but also by the Left Front and some of the Janta Dal leaders. Jagmohan, however, thankfully accepted the offer and left for Kashmir the same day by a chartered plane. He would now be in a position to repay Dr. Abdullah in his own coin. Dr. Abdullah, however, did not offer him the opportunity to perform the 'constitutional rites'.

Soon after the news of Jagmohan's appointment reached him, Dr. Abdullah tendered the resignation of his Cabinet. The V.P. Singh Government imposed Governor's rule in the State and placed the Assembly in a state of suspended animation. A vital link between the people of the State and the Centre was thus snapped. The step was taken in party interest at the cost of overall national interest.

Jagmohan landed at Jammu and took the oath of office in the evening. The next morning, i.e., on January 20, 1990, he wanted to fly to Srinagar by a helicopter but could not do so because of weather conditions. He, however, could not sleep through out the night as he continued to receive frantic calls from Srinagar and New Delhi. There was serious trouble in Srinagar.

There were some areas in Srinagar from where the terrorists had often fired at paramilitary forces. There were also reports that the terrorists were preparing themselves for the 'D' day and declare independence of the State. The Director General of Police, N.S. Saxena, therefore, planned searches to apprehend the terrorists who had been hiding in these areas. The plan was executed on the night of January 19/20. Whether the searches were planned with the approval of the State Government or not, it was wholly immaterial. The DGP did it in the best interest of the State and in a bonafide manner. As a result of these searches, there were angry reaction amongst the Muslims of the affected localities. The Islamic fundamentalists and the terrorists exploited the situation. The crowds went berserk. There was chaos in the city throughout the night on January 20/21 and there was panic amongst the Hindus.

Jagmohan landed at Srinagar on the morning of January 21. The scene of the last night were being enacted on the streets of Srinagar and the outlying areas. Firing had to be resorted to. Twelve lives were lost. By the evening, order was restored in the city.

The State Government had received reports that on the Republic day, i.e., on January 26, 1990, about a million people would gather at Idgah on call of various terrorists organisations. After performing the Friday namaz the National

Flag would be burnt and the flag of the "Islamic Republic of Kashmir" would be unfurled following the declaration of independence of the State. As part of their plan, rumours were spread in the Kashmir Armed Police that four Jawans of the Armed Police had been killed by the paramilitary forces. A section of the Armed Police surrounded the office of the DGP and called for 'blood for blood'. The threat of disarming the police by the CRP and posting of army units near the trouble spots brought the situation under control. The next day, i.e., January 25, four IAF officers, including a squadron leader, were shot dead at the Rawalpura bus stand by the terrorists. The men at the nearby police station remained indifferent to this ghory incident.

To prevent people from gathering at Idgah on the Republic day, the Governor imposed curfew from the afternoon of January 25 and posted police and para military forces at street corners. The strategy worked. The public buildings were illuminated to mark the Republic day anniversary. The day passed off peacefully.

Apparently shaken by the criticism of the appointment of Jagmohan as Governor and the consequent resignation of Dr. Abdullah, the V.P. Singh Government sent a special plane and the Director, I.B. to bring Dr. Abdullah and Mohammad Safi to Delhi. The news came to Jagmohan as a shock. He termed the Centre's action as a stab in the back. He thought of resigning but changed his mind later. He, however, addressed a letter to the President on January 30, 1990 in which he stated that his mission in Kashmir was being seriously undermined by the impression amongst the people that Dr. Abdullah was returning to power. He suggested inter-alia that the Assembly be dissolved. There was no response from the Centre to this suggestion.

It may be recalled that in winter the State Secretariat moved from Srinagar to Jammu. Jagmohan, however, decided to stay in Srinagar in view of the difficult law and order situation in the Valley. On February 2, a social worker, Satis Tikoo, was murdered. On February 7, a bomb planted in the office of an Assurance Company exploded. Some neighbouring shops caught fire. One of the shops had stored cylinders

which started exploding. The BSF picket posted nearby thought that the terrorists were charging from the shops and started firing which resulted in the deaths of two young men. The anti-Indian forces claimed that the Indian paramilitary forces had killed innocent people. The very next day the terrorists avenged the deaths by killing two BSF men to the jubilation of the people of Srinagar.

On February 11, the JKLF gave a call for displaying black flags to celebrate the 'Maqbool Butt Day'. The administration foiled their attempt. But on February 12 an IB official, Bhan and the next day the Station Director, Srinagar Doordarshan, Lassa Kaul, were killed. The murder of the two officials sent shock waves in the country and demoralised the Central employees posted in the Valley. The Union Home Minister and the Information and Broadcasting Minister rushed to Srinagar to study the situation. It was clear that there had been security lapses. The two ministers expressed their deep anxiety about the happenings in the Valley.

Jagmohan was convinced that Dr. Abdullah was the root cause of all the troubles in Kashmir. He felt that the best way to clip his wings was to dissolve the Assembly so that the attempts being made for his return to power could be nipped in the bud. He had earlier given a hint in this direction in his letter to the President but the Centre took no notice obviously because of the fear of possible fall-out in the country and the Valley itself. Now Jagmohan took upon himself the responsibility of performing the last rites of the Assembly. He often took credit for dismissing the two Chief Ministers of Kashmir. He now wanted another 'feather' in his cap. The dictator in him was in full cry.

On February 19, 1990 Jagmohan dissolved the Assembly and issued a Proclamation with the concurrence of the President to assume to himself all the functions of the Government of the State and all the powers vested in or exercisable by any authority in the State. Jagmohan thus stalled the move to bring Dr. Abdullah back to power.

Under Article 174 of the Constitution of India the Governor of the State may dissolve the Assembly of the State from time to time and under Articles 356 of the said Constitution the

President may by a Proclamation declare that powers of the legislature of the State shall be exercisable by or under the authority of the Parliament. Both the notifications are to be issued simultaneously so that there is no vacuum of the legislative authority in the State. Article 174 was applicable to Kashmir since the Constitution was promulgated in January 1950 and article 356 and 357 were made applicable to the State in 1964. Jagmohan, however, did not invoke the provisions of the Indian Constitution but acted under section 53 of the State's Constitution. This section is the virtual reproduction of article 174 of the Constitution of India and the Governor of Kashmir is fully competent to dissolve the State Assembly under this Section.

As regard arrangements consequential to the dissolution of the Assembly, the provisions corresponding to article 356 of the Constitution of India are contained in Section 292 of the Constitution of Kashmir. The only difference between the two is that under the Indian Constitution the Proclamation is issued by the President on receipt of a report from the Governor or otherwise; whereas under the State's Constitution such a proclamation is issued by the Governor himself. Even this difference is meaningless, as no such Proclamation can be issued by the Governor except with the concurrence of the President of India as required under sub-section 5 of section 292 of the State's Constitution. Sub-section 5 of section 292 of the State Constitution is reproduced below for ready reference.

“No proclamation under sub-section (i) shall be issued except with the concurrence of the President of India.”

The Governor issued the proclamation under Section 292 of the State's Constitution soon after the dissolution of the Assembly on February 19, 1990 with the concurrence of the President as indicated in the Proclamation itself.

Though the Governor was well within his constitutional right to dissolve the Assembly, there was absolutely no justification for doing so. As expected, the reaction was sharp in the country. The National Conference called it a political gimcrackry, while the Congress (I) termed it as disastrous. Even the Left Front parties, which supported the N.F.

Government in the Parliament, described it as unwarranted and unfortunate. The only party which unreservedly supported Jagmohan's action was the BJP.

The Prime Minister V.P. Singh and the Home Minister Mufti Mohammad Sayeed not only disowned the responsibility for the dissolution of the Assembly but also pleaded ignorance of the Governor's action. The Union Home Secretary spoke to the Governor the same night and said that the Prime Minister, who was on tour, wanted to know whether the notification in regard to dissolution had been issued at the instance of the Home Minister or at his own. The Governor admitted that it was at his own. The Home Minister, who was also on tour at that time, told the Governor the next morning that he felt embarrassed.

It is surprising that a seasoned bureaucrat like Jagmohan too as grave a decision as that of the dissolution of the Assembly having far reaching political implications without due deliberations with the Centre. His plea that he had indicated his views in this regard in his letter dated January 19 to the President cut ice with none. In defence of his action Jagmohan stated that it was the most firm and positive step in the direction towards the goal of attaining complete normalcy in the State. He further stated that it would knock out the very basis of the complaint that certain elements had taken to guns because of rigged elections in 1987 and curb the machinations of "some other elements".

Jagmohan's hopes of eliminating the subversive elements and restoring normalcy were wholly belied. The terrorism continued to flourish with abandon in-spite of the prolongation of the Governor's/President rule beyond the normal period of six months. The terrorists became bolder than even before during Jagmohan's own tenure.

The elections to the new defunct Assembly had been held in March 1987. There was no doubt that there were complaints of rigging. Such complaints were, however, there in practically all the elections held in Kashmir. In any case it was wrong to connect terrorism with 'rigging' in elections. The signs of terrorism had started appearing in the later half of 1988, i.e., after more than a year of the elections. Besides,

no section or group of terrorists gave up the guns even after the dissolution of the Assembly. The reasons for spread of terrorism in Kashmir have, therefore, to be found elsewhere than in the 'rigged' elections.

Jagmohan, of course, succeeded in his main object of curbing the "machinations" of Dr. Abdullah and his coalition partners of the Congress (I). By dissolving the Assembly, Jagmohan frustrated the attempts of the V.P. Singh Government to revive the political process in the State and enable Dr. Abdullah to return to power. It was beyond the comprehension of Jagmohan that the political exigency in the State demanded restoration of democratic process.

Chapter XVI

Exit Mr. Jagmohan

JAGMOHAN THOUGHT that the dissolution of the Assembly was the panacea for all the ills of the unfortunate Valley. He had fondly hoped that the people's temper would cool down once the Assembly was dissolved. His expectations were belied. The cult of the gun and the subversive activities in the State continued unabated.

The JKLF took undue advantage of the relaxation in curfew because of the Miraz festival and took out large processions demanding liberation of Kashmir from the 'Indian imperialists'. On March 1, 1990 about two dozen civilians were killed in firing by the army in the suburbs of Srinagar in two separate incidents. The anti-Indian elements organised large scale demonstrations in the city in-spite of curfew. The Hindu population in the Valley was the target of their ire. This was the beginning of the exodus of Hindus from the Valley. New Delhi was alarmed.

The National Front Government set-up an All Party Advisory Committee to evolve consensus on Kashmir. The Committee, which included Dy. Prime Minister Devlal, Railway Minister Fernandes, Law Minister Dinesh Goswami, Congress President Rajiv Gandhi and the BJP leader Jaswant Singh among others,

decided to visit Srinagar for on the spot study of the situation. Jagmohan neither liked the setting up of the Committee nor welcomed its visit to Kashmir.

The high powered Committee landed at Srinagar airport on the morning of March 8. Thanks to the communication gap or otherwise, Jagmohan did not go to the airport to receive the distinguished visitors which among others included the Dy. Prime Minister also. The protocol mishap led to sharp and acrimonious exchanges between Rajiv Gandhi on the one hand and Jagmohan and the BJP leader Jaswant Singh on the other. It was indeed an unfortunate beginning for such an important mission. Jagmohan, who was critical of the Committee's visit from the outset, threw blame on Rajiv Gandhi for all that took place during 24 hour stay of the Committee at Srinagar ignoring the manner in which he himself conducted during its visit. With such an attitude of the chief executive of the State, the visit was doomed to failure. The Committee, disgusted as it was, cut short its programme and flew back to New Delhi on March 9 without visiting Jammu. Of course, George Fernandes stayed behind to make personal assessment of the situation presumably at the instance of the Prime Minister. Fernandes, whose visit to Kashmir Jagmohan seldom liked, utilised his stay meeting cross-sections of the people and tried to understand their point of view. He also met Jagmohan and soothed his feelings. He appreciated that Jagmohan had a very tough assignment. He returned to Delhi the same evening. On March 11, the appointment of George Fernandes as Minister for Kashmir affairs was announced. It was also announced that he would be assisted in his task by a committee consisting of representatives of various political parties. To Jagmohan, the news was a bolt from the blue.

Digressing a little from the political aspect of the Kashmir situation, it would be appropriate to narrate here the steps taken by Jagmohan to curb terrorism and maintain law and order in the State. He imposed dawn to dusk curfew in the five kilometer belt along the border to stop infiltration of terrorists from across the border. He declared several organisations including JKLF, Jamat-e-Islami and Hizbul Mujahideen unlawful. He banned the Falah-i-Aam Trust and closed dozens of Madarsas run by it. He sent thousands of

students of these institutions to Government schools. He ordered house to house searches to flush out the terrorists and recover arms and ammunitions and succeeded in the arrest of some notorious terrorists. Some cases were also worked out.

Though there were nothing extraordinary about these measures which could have been taken by any district magistrate of ordinary prudence in similar situation, it cannot be denied that some signs of improvement in the situation were visible at least outwardly. The JKLF flags did not flutter any longer from the house tops. Anti-Indian slogans disappeared from the walls. There were no shouts of 'Azadi' in the streets. The underground activity of the militants, however, continued. Sounds of shootings from the street corners could be heard. Government employees staying in hostels were brought to their offices under strict security. The hartals and civil curfew were still the order of the day. There were no signs of the terrorists coming to terms with the State administration. The success achieved thus far was a tip of the iceberg.

The militants continued kidnaping and killing of important figures in public life and Government officials. On April 6, 1990 the Vice Chancellor of the Kashmir University, Prof. Mushir-ul-Haq and his special assistant, Abdul Ghani Zargar, were kidnapped and shot dead after 4 days of captivity. On the same day, the HMT Chief H.L. Khera was kidnapped and assassinated after a couple of days. The people in India were so much incensed with these brutal killings that a Central Minister, Arif Mohammad, was stoned during the burial of Prof. Haq's body at the Jamia Islamia grounds. Similarly, at Khera's cremation at Chandigarh the writh laid on Khera's body on behalf of the Prime Minister V.P. Singh was thrown out. On May 1, an Inspector of Police was kidnapped and brutally done to death. These were no signs of normalcy returning to the State. The worse was, however, still to come.

On May 21, 1990 a first class tragedy took place in Srinagar which shook the entire Valley and had tremors in New Delhi. It exposed the hollowness of the claim made by Jagmohan of having acquired "upper-hand" in the Valley. Mirwaiz Moulvi Mohammad Farooq was the highest religious

dignatory in Kashmir and had a large following in the Valley. Like a number of Millas and Moulvis he too was active in politics and had the capacity to mould public opinion in the Valley to a considerable extent. In the Holy-Relic (Moe-e-Muqaddas) agitation in 1963-64 Moulvi Farooq had spear-headed the movement with such an intensity that India had almost lost Kashmir but for the recovery of the Relic by the celebrated B.N. Mullic of the Indian Intelligence Bureau. While the Moulvi's pro-plebiscite leanings were well known, he had joined hands with Dr. Abdullah in June 1983 elections and led the National Conference to victory against the Congress party. Jagmohan was thus not unaware of the importance of the Moulvi in the body politic of Kashmir. It was, therefore, the duty of the Kashmir administration to provide full security to him not only for his safety, though this in self was equally important, but also in the larger interest of India. It was no excuse that the Moulvi had been offered security and that he had declined. It is interesting to note that the Union Home Minister, who was the only supporter of Jagmohan in the Cabinet, had time and again advised Jagmohan to take the Moulvi in protective custody for his safety. Jagmohan, however, ignored his advice and felt that if Mufti knew that there was a grave threat to the life of the Moulvi he should have advised the State Government in writing¹. What a defence for the State Governments's negligence to provide security to Mirwaiz?

At about 10.00 am on the fateful day (May 21, 1990) three youths went to the residence of Moulvi Farooq and met him. They talked to him for sometime and then suddenly one of the youth fired at him with a pistol. The Moulvi suffered bullet injuries on his head, shoulders and abdomen and was rushed to the Medical Institute of Sciences at Soura in a critical condition. He was immediately operated upon but succumbed to the injuries at about 12.30 pm. With Moulvi's death the fate of Jagmohan was sealed.

The news of Mirwaiz's death spread like a wild fire. The State administration imposed curfew and alerted the police and military forces which took positions at various strategic positions. In-spite of all these measures, nearly 25000 people

¹. Kuldip Nayar, 'Half Truth', India Today, Nov. 15, 1991, p.188.

gathered at the Soura hospital. The crowd snatched the body of the slain leader and proceeded with the 'janaja' towards the city in a procession. The Central Reserve Police Force (CRPF) stopped the procession at Hawal near Islamia college. Nearly 70 people were killed and hundreds injured as a result of firing. Jagmohan refused to own any responsibility constructive or otherwise and held the police officials responsible for what had happened on May 21.

Jagmohan reached New Delhi on the evening of May 24, on summons from the Home Minister. He could get into touch with the Home Minister only at 10.00 pm. The meeting was fixed for next morning at 8.00 am. When he got up from the bed on May 25, he saw the Times of India which flashed the news of his being asked to step down as Governor of Kashmir. Not to give an idea that he was being dismissed unceremoniously, the newspaper story said, "In fairness to Jagmohan it must be stated that he had made it clear that he would not like to continue as Governor in the changed circumstances". Similarly, V.P. Singh in a statement said that Jagmohan resigned on his own. Jagmohan did not like the courtesy shown to him by The Times of India or the Prime Minister and said bluntly that he had given no such indication to any one. He wanted, perhaps, to keep it on record that he was dismissed.

Jagmohan met the Home Minister at 8.00 am as scheduled. Mufti told him of the Government decision and expressed his helplessness to do any thing in the matter. Jagmohan accordingly sent in his resignation forthwith to the President. Thus, ended his second term as Governor of Kashmir. It lasted a little over four months. He came to the State with a bang and returned to Delhi with a whimper.

On the very day he submitted his resignation, Jagmohan flew back to Kashmir. He had, however, to break his journey at Jammu. Next morning, he went to Mata Veshno Devi Shrine. It was certainly a sentimental journey for him. He had not only given it a face-lift but had completely overhauled its organisations during his first term. On the same day he returned to New Delhi without visiting Srinagar and a formal send off.

The reactions to the removal of Jagmohan as Governor were mixed in the State. While Jammu observed hartal, the Valley was happy for obvious reasons. At the time of departure, he addressed an open letter to Kashmiries in which he tried to defend the policy followed by him and particularly his action to dissolve the Assembly. He disowned the responsibility for firing on the funeral procession of Moulvi Farooq. He condemned the political leaders who ruled Kashmir in the past in the severest terms. He termed them as fake guides who were in search for uninterrupted power and glory and establishment of personal rule. He, however, warned the people not to think in terms of joining Pakistan or to become independent in their own self-interest.

Jagmohan was undoubtedly a 'doer' as once described by The Times of India. He was a ruthless administrator. His integrity was unquestionable. In patriotism he was second to none. He was all for the good of the common man. He was, however, completely out of tune with the democratic aspirations of the people. He had nothing but contempt for those who did not fall in line with his thinking. He was a firm believer in the concept of absolute power. The praise showered on him by a section of the press had, perhaps, gone into his head. He took all the credit to him-self for whatever success his administration achieved, while he blamed his subordinates for all his failures. His self-righeousness turned most of his friends and admirers against him.

Jagmohan accepted only a token salary of Rs. 1000/-pm. during his second stint of a little over four months as Governor as a gesture of his selfless services to the people of the State. He did not fail to emphasise this fact time and again and yet he had great weakness, nay hunger, for naked exercise of power. When Dr. Abdullah lost his majority in the Assembly in July 1984, he recommended to the President for imposition of the Governor's/President's rule in the State in spite of the fact that G.M. Shah was in a position to form an alternative Government. The President, however, turned down his recommendations and Shah formed the government. Any other Governor in such a situation would have tendered his resignation and gone home. Jagmohan, however, did not.

In July 1989, Jagmohan had to relinquish the office of Governor under pressure of the Chief Minister, Dr. Farooq Abdullah. In January 1990, the National Front Government sent him back as Governor of Kashmir. For Jagmohan it was a God sent opportunity to avenge his earlier discomfiture. Dr. Abdullah knew it. He at once tendered the resignation of his Government in protest against the reappointment of Jagmohan as Governor and thus foreclosed the certain dismissal of his Ministry. On the resignation of the Abdullah Ministry, the Centre imposed President's rule in the State and put the Assembly in animated suspension. As, however, there was no distinct improvement in the situation in the State, the V.P. Singh Government started seriously considering the revival of democratic set up. Jagmohan forestalled any such step by dissolving the State Assembly to the embarrassment of the Centre. There was alround criticism of his action and he had to leave the State unsung and unwept within a few months. Jagmohan has, however, the uncanny instinct for survival. He was nominated to the Rajya-Sabha by the President on the recommendations of the National Front Government.

Chapter XVII

The 38th Parallel Approach

GIRISH CHANDRA SAXENA, retired IPS Officer, succeeded Jagmohan as Governor of Kashmir on May 27, 1990. The tough task inherited by Saxena became tougher, when 137 State officials issued a joint statement condemning the excesses of the security forces during the former Governor's regime. It was a signal for open defiance of the Government by the State services officials. Saxena suspended 5 of them. All the State officials went on an indefinite strike bringing the civil administration to a stand-still. Meanwhile, the SJP leader Chandra Shekhar formed the Government at New Delhi in place of V.P. Singh in November 1990. At the instance of the new Government, Saxena withdrew the suspension of the five officials. The officials called off their 96 day long strike.

The SJP Government considered whether the political process in the State could be resumed by resurrecting the State Assembly dissolved by the former Governor Jagmohan in February 1990. The legal advice was that the Assembly could not be revived. The idea of reinstalling the Abdullah Government had, therefore, to be abandoned.

The Chandra Shekhar Government, which was formed on the basis of support of the Congress party in the Lok

Sabha, decided to hold mid-term poll in three phases in May 1991, as it felt that the support of the Congress party might be withdrawn any moment. The first phase of the elections took place on May 20. On the very next day the Congress President, Rajiv Gandhi, was killed in a bomb blast at 10.00 pm at Sirperumbundur, where he was to address an election meeting. The elections were thus postponed by about three weeks and held on June 12 and June 15. The Congress party failed to secure an absolute majority once again¹. All the same it emerged as the single largest party in the Lok Sabha. On being elected as leader of the Congress Parliamentary Party, P.V. Narasimha Rao, a veteran Congress leader from Andhra, took over as Prime Minister on June 22, 1991.

Meanwhile, the law and order situation in Kashmir continued to be bad. Practically the entire Hindu population of the Valley migrated to Jammu, Delhi and other places. The tourist trade was hit so badly that nearly 25000 families of Muslims craftsman and others, who thrived on tourism, left the Valley and settled at various tourist centres in other parts of India.

A 'weapon' in the armoury of the terrorists was kidnapping of prominent public figures and Government officials and their relatives and foreign tourists. They used this weapon some times effectively to get their leaders released from jail in exchange of kidnapped VIPs. One of the sensational cases was that of Rubaiya, a medical student and the daughter of the then Union Home Minister, Mufti Mohammad Sayeed. She was kidnapped while on her way from the medical college to her house. She was released only when 5 leading terrorists were set free from the jail. While some of the kidnapped persons were shot dead in captivity, others were released with or without ransom. Those who were released stated that they were looked after well during their captivity, though moved from one place of their hiding to the other.

There have been a couple of cases where the kidnapped persons escaped from the custody of the militant organisations.

¹ The Congress (I) in a house of 542 got 225 seats. Its allies including AIADMK secured 18 seats. The AIADMK has recently severed its relations with the Congress. The BJP won 119 seats.

One of such cases is worth mentioning here. In June 1990 seven Israeli tourists were kidnapped in a house boat in Srinagar. They were tied up with ropes for being shot. Whether it was the instinct of survival or an extraordinary presence of mind that the Israelis united themselves quietly, caught their captors unaware, snatched their rifles and shot two of them dead. In the process, one Israeli was also killed. The rest of the Israelis, escaped. The incident once again proved of what stuff the Israelis are made of.

The year 1992 began with two important events which could have led to further turmoil in Kashmir but for the apt handling of the situation by the Narasimha Rao Government. The first was the "Ekta Yatra" undertaken by the BJP President, Murli Manohar Joshi from Kanya Kumari to Kashmir with Srinagar as the ultimate destination. Joshi declared that he would reach Srinagar with 50 thousands people and unfurl the National Flag at the Lal Chowk on January 26, 1992. He reached Jammu, where thousands of the BJP followers had gathered to accompany their leader to Srinagar. Joshi, however, reached Srinagar with 70 workers only in an Air-Force plane leaving others at Jammu high and dry. He unfurled the National Flag at the Lak Chowk under strict security of the army and the police. Nothing untoward happened. It is, however, doubtful whether the Yatra benefitted the BJP or the country in any way. Even the senior BJP leader Atal Bihari Vajpayee had his reservations on the yatra.

The other event was far more serious, the mishandling of which could possibly have led to another Indo-Pakistan war. In the last few years there has been a mushroom growth of militant outfits in the Valley. The important amongst them are the JKLF, the Hizao-ul-Majahedeen, the Hizabullah, etc., which have sizable following in the Valley. While the JKLF favours an independent Kashmir, the other militant organisations more or less want Kashmir to become the fifth province of Pakistan. The most of the militants, irrespective of their affiliations are trained, armed and financed by Pakistan. The JKLF leader Amanullah, who is based in Pakistan, served an ultimatum on India that he would cross the Line of Actual Control (LAC) along-with thousands of his followers and enter Kashmir on

February 10. India warned Pakistan that such an action on the part of the JKLF might lead to serious consequences. The U.S., the U.K. and other countries also advised Pakistan to stop the JKLF march. Good sense prevailed on the part of Pakistan. The Government arrested JKLF leaders including Amanullah and thwarted their attempt to cross the LAC on mass scale. Some of the smaller groups, who tried to cross it, were stopped by the police. Ten militants were killed in police firing. A tragedy of the first order was, however, averted.

The JKLF declared its intention to make another attempt to cross the LAC on March 30, 1992. The Government of Pakistan again arrested Amanullah Khan and other leaders of the Front and thwarted their attempt. The Indian army was, of course, ready to give them a good thrashing if they dared to cross the LAC.

There was no material change in the situation in Kashmir during the next few months. In early 1993, Rajesh Pilot, Minister of State for Home, was placed in charge of the Kashmir desk following the Sopore tragedy in which 50 civilians were killed and dozens of shops were raged to the ground. He replaced the Governor G.S. Saxena by Gen. Krishna Rao and changed the three Advisors. He decided upon starting political process in the State in consultation with Dr. Farooq Abdullah who was called from London. There were reports that he was to be put in effective charge of the State administration. This only proved counter-productive. The militants regrouped. On April 10, 1993 they set fire to the Sanatan Dharma Sabha. There were pitched battles at several places between the BSF and the militants. As if this was not enough, the State armed police revolted on some excuse. The army had to intervene and quell the revolt. Fortunately, there were no casualties, as the police meekly surrendered at 4 a.m. on April 28, 1993. Pilot had to abandon his efforts towards liberalisation. The anti-terrorist operations have now been handed over to the army. The fate of the valley thus continues to hang in balance.

Meanwhile, by the end of May 1993, some 2,500 militants have been killed and more than 7,000 detained. The number of security personnel and civilians killed was 600 and 3,500 respectively. The security forces have so far recovered more

than 7,000 Kalashnikov rifles, hundreds of machine guns, rockets and other modern weapons.

Although the security forces have made it difficult for the militants trained in Pakistan to enter into Kashmir, it has to be admitted that the militant organisation continue to rule the roost in the State. At the root of our troubles in Kashmir is Pakistan since the partition of the country in 1947. Having failed in all its attempts to annex Kashmir through wars, it now wants to grab it through sabotage and insurgency. It did not succeed then and it would not succeed now. The course adopted by it would harm India a lot but the consequences for Pakistan may be worse. As for Kashmir, it would be ruined beyond recognition. Let us now consider what possible options are available for the peaceful settlement of the problem.

The plebiscite in Kashmir under the U.N. supervision should be totally ruled out. The Indo-Pak. wars of 1965 and 1972 and the Shimla agreement have finally and irrevocably closed this option. The U.N. Secretary General Boutros Ghali's statement on March 20, 1992 has made it clear beyond doubt that "unless there is an agreement between India and Pakistan, the Security Council or other organs of the world body could not intervene unilaterally in the Kashmir issue on the basis of the existing resolutions of the Security Council¹". The U.S., once a staunch supporter of plebiscite, has come round to the view that the Kashmir issue has to be solved by the two countries through bilateral talks. Even the former Prime Minister of Pakistan and leader of the Pakistan People's Party (PPP) Benazir Bhutto has recently emphasised in a letter to an Indian MP that bilateralism continues to be the cardinal principle of the PPP dating back to the Shimla Accord². Luckily for India, the Labour Party in England, some of whose leaders supported Pakistan's line on Kashmir, was defeated in the general elections held on April 10, 1992.

Quite a few formulas have been propounded by politicians, thinkers, newsmen and others for solution of the Kashmir problem since the terrorist activities assumed serious proportion in the Valley in 1980. Some of them are merely old wines in

¹. The Hindustan Times, March 21, 1992.

². The Hindustan Times, March 23, 1992.

the new bottles. According to some, the State should be divided into three regions on the basis of communal composition of the population. The Muslim majority region of Kashmir Valley should go to Pakistan, while the Hindu majority Jammu and the Buddhist majority Ladak should be retained by India. The formula is an extension of Jinnah's two nations theory and would eminently serve the purpose of Pakistan. There is, however, no question of India agreeing to such a sinister proposition after shedding so much blood on the Kashmir soil by India's valiant soldiers.

Another solution suggested is that the composite State of Jammu and Kashmir including Azad Kashmir should be placed under a condominium of India and Pakistan. Interestingly the leader of the Pakistan Tehrik-i-Istiqbal, Marshal Asghar Khan, made a similar suggestion to Pakistan President Gen. Ayub Khan in 1966. India believes in secularism and Pakistan in theocracy. The foreign and defence policy perceptions of one are poles apart from those of the other. In the circumstances, there is hardly any chance of success of a condominium formed by the two countries. Besides, the people of the State may also not accept the dual control.

A formula floated in recent months is to turn the composite State into a confederation in which all its four units, namely, Kashmir Valley, Jammu, Ladak and Azad Kashmir will enjoy full autonomy except that their defence will be looked after jointly by India and Pakistan. The formula does not differ much from the condominium formula. It would, therefore, be equally unworkable.

In International circles there is a talk of making Kashmir an independent State. The last ruler of the State, Maharaja Harisingh, wanted to become independent on the withdrawal of British power from the Indian sub-continent. Pakistan, however, shattered his dream when it sent the Frontier tribesmen and irregulars to occupy Kashmir in October 1947. When Harisingh found his army overwhelmed by the Pakistan raiders, he acceded to India and sought its military assistance to ward off the invasion. The timely landing of the Indian forces saved the situation. The Indian army captured a major part of the State and Kashmir became a federating unit of India.

Harisingh's rule did not last long. In July 1949, he abdicated his throne. In 1951, the Constituent Assembly of the State abolished monarchy, though Harisingh's son Karansingh was made constitutional head of the State and was designated as Sadre Riyasat. Prime Minister Sheikh Abdullah now wielded powers in Kashmir which no other Chief Minister in India did. The only obstacle in his complete supremacy in the State was that constitutionally Kashmir was part of India. Like his former ruler Harisingh, he too started toying with the idea of an independent Kashmir. He lost not only the Prime Minister's gaddi but also landed himself in jail.

The JKLF, the most powerful militant organisation at the moment in the State, has been carrying on violent campaign for reunification and independence of the State for quite some years. Since the State enjoys unique strategic position, neither India nor Pakistan can afford to lose their hold over the parts of the State in their respective possessions and allow it to become the hot bed of international intrigues on their borders. Even if for argument's sake India agrees to make Kashmir independent, Pakistan will grab it at the earliest opportunity as it tried to do in 1947. The independence of Kashmir should, therefore, be ab initio ruled out.

As Pakistan would in no circumstances, short of defeat in a war, part even an inch of the Azad Kashmir territory, Indian public opinion too would not permit conceding any part of the State in India's possession to Pakistan. Pakistani rulers are sadly mistaken if they think that they could grab the Valley by aiding and abetting insurgency in the State. On the contrary, if Pakistan continues to train, arm and finance the militants, a situation may develop when the Indian armed forces may be compelled to invoke the doctrine of "hot pursuit" resulting in a full scale war between the two countries. And no body knows better than the poor peoples of India and Pakistan what another war would mean to them.

The scope for solving the Kashmir problem peacefully is extremely limited. The 38th parallel approach is the only way out and it is not a new approach. The Indian Prime Minister Nehru and the Pakistan Prime Minister Mohammad Ali Bogra had agreed in principle to this approach at their meeting in

New Delhi as far back as May 1955, though Pakistan later on backed out under pressure from the extreme sections of its people. The 38th parallel approach centres round the conversion of the LAC into a permanent international frontier with such adjustments as may be found necessary on account of geographical factors.

The formula is as good today as it was some 35 years back when it was first discussed. The solution of the Kashmir problem on these lines will open new vistas of co-operation between India and Pakistan and take them to the twenty-first century along with other developing countries. Let the leaders of two countries not disappoint more than 100 crore men, women and children of the Indian sub-continent who are still yearning for two square meals a day.

Chapter XVIII

The much Maligned Article

Of all the 395 articles of the Constitution of India, article 370 is, perhaps, the only one with which even a common man is conversant and yet it is the most maligned article of the Constitution. It confers special status on Kashmir and it is exactly why the BJP and its predecessor, the Jan Sangh, have carried on sustained propaganda for its abrogation over the years¹.

Under article 370 the power of the Parliament to make laws for Kashmir is limited to 'matters in the Union List and the Concurrent List, which in consultation with the State Government, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to India and such other matters in the said List as with the concurrence of the State Government, the President may by order specify'. In the other words, the Government of the State of Jammu and Kashmir holds a veto in regard to the applicability of any law passed by the Parliament to the State.

¹ A wind of change appears to be blowing in some circles of the BJP too. The veteran leader A.B. Vajpayee has recently stated that, "I do believe that just by abrogating article 370, we will not solve the problem of Kashmir". (The Hindustan Times, Feb. 27, 92)

A question arises as to why the founding fathers of our Constitution in their wisdom have conferred this favour on Kashmir which has not been extended to any other federating unit of this country? An answer to the question could be found in the circumstances in which Kashmir acceded to India. All the Muslim majority provinces including the Congress ruled NWFP had gone to Pakistan. Amongst the princely States, the Hindu majority State of Junagarh had acceded to Pakistan and another Hindu majority State, Hyderabad, had declared its intention to remain independent. The young Maharaja of Jodhpur was prepared to join Pakistan. Jinnah had agreed to accept Jodhpur's accession on Maharaja's terms. It is in this context that Kashmir, an overwhelming majority of whose population was Muslim, showed its willingness to accede to India. The State was more contiguous to Pakistan than to India geographically. All the three big highways of the State were connected with Pakistan. The only link Kashmir had with India was Jawaharlal Nehru and his secularism and a neglected and dilapidated highway from Pathankot to Srinagar.

If Maharaja Harisingh was not in favour of joining Pakistan, he was not inclined to joining India either. His ambition was to become a sovereign ruler of Kashmir like Nepal and Bhutan. It was the invasion of Frontier tribesman supported by Pakistan that compelled the Maharaja to approach India to seek State's accession and military help to meet Pakistan's aggression. But the declared policy of the Government of India was to accept the ruler's decision in this regard only when it was supported by the people of his State. It had followed this policy in the case of Junagarh and Hyderabad as well and there was no reason to make any departure in the case of Kashmir also. It was in accordance with this policy that India accepted the offer of the Maharaja of Kashmir subject to ratification by the people of the State, though the Maharaja had attached no such condition to his offer.

The Government of India depended on Sheikh Abdullah and his National Conference for their support in case the plebiscite was held in the State to determine finally the accession issue. Though the National Conference was the most representative organisation in the State, its leader Sheikh

Abdullah was clear in his mind that he could carry the Valley with him only if the State could retain its character as an autonomous unit in the Indian Union. The Government of India had to concede this demand. The result was that Kashmir was allowed to have its own Constitution and given certain constitutional safeguards as reflected in article 370 of the Constitution of India.

When article 370 came up for consideration in the Constituent Assembly on October 17, 1949, Sir Gopala Swami Ayangar, Minister in charge of Kashmir Affairs, had stated that "in due course Jammu and Kashmir will become ripe for the same sort of integration as had taken place in the case of other States". The article in question was approved accordingly. Subsequently, the Prime Minister Jawaharlal Nehru affirmed that the article in question would be eroded gradually.

Nehru's expectations have not been belied. The constitutional provisions relating to defence, foreign affairs and communications have been made applicable to the State. As per the Delhi agreement of 1952, the provisions relating to declaration of emergency on grounds of security of India or any part thereof under article 352, the Fundamental Rights as defined in the Constitution except in the matter of award of compensation to dispossessed landlords, appellate jurisdiction of the Supreme Court in all civil and criminal matters and the power of the President to reprieve and commute death sentences have been made applicable to the State.

In 1954, the scheme of federal financial integration was extended to Kashmir in the same manner as in the case of other States. The laws relating to customs, central excise, civil aviation and posts and telegraphs were applied. The provisions of the All India Services, the functions of the Auditor General of India and the provisions of the Industries (Development and Regulation) Act were extended to the State. The designations of Sadre Riyasat and Prime Minister have been changed to Governor and Chief Minister respectively to bring them in conformity with other States.

A major step towards more intimate constitutional relationship with India was taken in 1964 when the State

Government agreed to the extension of articles 356 and 357 of the Constitution to Kashmir. The President is now empowered to dismiss the Government, dissolve the Assembly and impose Central rule on the State as in the case of any other State in India.

In 1965, various Central laws relating to welfare of labour, social security and social insurance were extended to the State. In 1970, the State High Court was vested with writ jurisdiction. A leap forward was taken in 1986 when provisions of article 249 of the Indian Constitution were made applicable to Kashmir. The laws made by Parliament in respect of 'State List' were now equally applicable to Kashmir.

It will be seen that the process of erosion of article 370 has come a long way since it started in 1950. The substance of the article has already been taken away. What remains of it is a mere shadow of its original self. By demanding its abrogation day in and day out, we are hurting the feelings of those Kashmiris also who are reconciled to the present state of article 370.

The BJP has been demanding the repeal of article 370, scrapping of the State's separate Constitution and doing away with the State's own flag. The BJP tends to forget that people of Kashmir agreed to acced to India in 1947 on the condition that their identify would be maintained and that they would enjoy certain previlages within the Indian Union.

Be that as it may, the main contention of the critics of article 370 is that it saves article 35A of the Constitution of India which specifically provides that only permanent residents of the State of Jammu and Kashmir could acquire immovable property and seek employment in public services in the State. But this had all along been the position in Kashmir since 1893. Even the late Maharaja Harisingh had to reemphasize in the wake of 'Kashmir for Kashmiris' agitation launched not by Muslims but by Kashmiri Pandits that employment in public services and transfer of land would be restricted to the State subjects¹. Besides, similar protection has also been provided to the residents of the States in North Eastern region.

¹. Prem Nath Bazaz, *Ibid*, p.141

An argument has often been advanced that article 370 being of temporary nature, there was no justification for its continuation even after more than 40 years. It is true that article 370 is part of Part XXI of the Constitution which bears the title "Temporary and Transitional Provisions". Some of the articles of this Part have lapsed or become redundant while others including article 370 continue to operate. Article 370, in fact, would cease to operate only when the President on the recommendation of the Constituent Assembly of the State issues a public notification to this effect in accordance with sub-clause (3) of the said article. The article can not automatically lapse or die its natural death as in the case of some of the articles in this Part.

The Constituent Assembly of the State which framed the Constitution of the State in 1957 has since become defunct. To convene a new one for the purpose of scraping article 370 does not appear to be a practical proposition in the context of the existing circumstances. The only other method available for abrogation of this article is to amend the Constitution in accordance with the procedure laid down in article 368 of the Constitution. Since the various political parties, except the BJP, are not in favour of abrogation of the article, there are no prospects of such an amendment being passed by the Parliament in the near future.

Why then this hue and cry in and out of season against the continuation of this article which has already lost its teeth? It unnecessarily gives a handle to our enemies not only in Kashmir but also across the border to poison the minds of the masses in the State and prejudice our stand on Kashmir at various international forums. In any case, we must learn a lesson from the events of 1971 in the Indian sub-continent. Pakistan lost its Eastern wing simply because it refused to concede East Bengal's demand for autonomy.

Chapter XIX

The Kargil War and thereafter

THE FIRST INDO-PAK. war was started on October 27, 1947 when Indian troops were flown to Kashmir to stop annexation of the State by the Pakistani armed personnel. Only a day earlier, the State had acceded to India by virtue of the 'Instrument of Accession' signed by the ruler of the State, Maharaja Hari Singh. The war ended on January 1, 1949 as a result of cease-fire brought about by the United Nations. The cease-fire line was formally established in July 1949 under an agreement signed by India and Pakistan. Consequently, 60% of the State's area remained in the possession of India and the rest of the State's territory, known as Azad Kashmir, was occupied by Pakistan.

The second Indo-Pak. war commenced in September 1965 when the Pakistan forces entered the Chhamb-Jaurion sector. They captured Jaurion and threatened Akhroor. Indian army made a diversionary move. It moved into Pakistan territory and threatened Lahore and Sialkot in Pakistan. It also crossed Rajasthan-Sindh border and captured Gadara town. In a counter-offensive in this sector, Pakistan captured Munabao and some posts in the Thar desert of Rajasthan. The twenty-two days war ended on September 22, 1965 when the U.N. succeeded in obtaining a cease-fire. In January 1966, the Soviet Premier

Kosygin invited the Prime Ministers of India and Pakistan to Taskent for talks. After several days efforts, Kosygin succeeded in persuading the visiting Prime Ministers to withdraw their respective forces to the positions held by them as on August 5, 1965. The armed forces of the two countries moved accordingly. Unfortunately, the Indian Prime Minister, Lal Bhadur Shastri had a massive heart attack in the early hours of January 12, 1966 at Taskent and died.

The seeds of the third Indo-Pak. war were sown in March 1971, when the Pakistan army cracked down on East Pakistan to crush the movement launched by the Awami-League led by Mujibur Rehman for the autonomy of East Pakistan. The onslaught by the Pakistan army on the civil population led to the crossing of about a million people from East Pakistan to India. India had to spend a staggering amount of Rs. 7 crore per day for providing food and shelter to these refugees.

The Government of India appealed to the international community and especially the U.S., U.K. and France to bring pressure on Pakistan to create conditions in East Pakistan so as to enable the East Pakistan refugees to return to their homes in East Pakistan and relieve India of the unbearable financial burden. All efforts made by India in this direction having failed, India decided to take on Pakistan. However, in anticipation of the Indian attack, Pakistan air force launched a Israeli style pre-emptive strike against a number of IAF stations in India on December 3, 1971. Thanks, however, to the precautions taken by the IAF, Pakistani air force failed to achieve its objective. On the contrary, it gave a handle to India to declare a war against Pakistan, which it did the same night.

Before sun rise on December 4, the IAF bombarded the various Pakistani air-installations and paralysed the Pak air force. This made the task of the Indian army easier on western as well as eastern front. By December 15, resistance of the Pakistani forces in East Pakistan crumbled. On the very next day at 4.30 p.m. the commander of the Pakistani forces in East Pakistan, Gen. Niazi, surrendered along with his men to Lt. Gen. J.S.Arora, Commander of the Indian troops in East Pakistan at the Race-course Maidan in Dacca. More than 80,000

men and officers of the Pak army were taken as prisoners of war by India.

On the western front India declared a unilateral cease-fire and brought at an end to the 13 day war. Pakistan lost East Pakistan which became a sovereign state of Bangladesh. On the western front, it lost an area of 474 sq. miles in West Punjab, 4763 sq. miles in Sindh and Kutch and 480 sq. miles in Azad Kashmir to India. On the other hand, India lost 53 sq. miles of area in the Chamba sector in Kashmir, 69 sq. miles in East Punjab and 5 sq. miles in Rajasthan.

Soon after the end of war, Pakistan President Gen. Yahaya Khan had to resign. His place was taken by his Foreign Minister, Z.A. Bhutto. Bhutto and the Indian Prime Minister Smt. Gandhi met at Shimla and an agreement known as 'Shimla Agreement' was signed on July 3, 1972. The agreement provided :

- (1) The two countries shall settle their differences by peaceful means through bilateral negotiations or by other peaceful means mutually agreed upon.
- (2) Indian and Pakistani forces shall withdraw to their side of the border.
- (3) In Jammu and Kashmir, the LOC resulting from the cease-fire line on December 17, 1971 shall be respected by both sides.

Consequently, India had to return 5238 sq. miles of territory to Pakistan. The latter returned 74 sq. miles of territory to India.

India thus had to fight three wars against Pakistan in bare 24 years since independence. In the first two wars Pakistan was bailed out cheaply by the international community. In the 1971 war India led the war to its logical conclusion in-spite of threats from the U.S. and China. The result was that Pakistan did not raise its head for the next 27 years. Of course, it continued its terrorist activities in Kashmir as before. According to the Government of India's findings Pakistan trained terrorists killed 16850 people during 1988-98 in Kashmir. They kidnapped 2491 persons including 20 foreigners and 135 women and destroyed 1264 Government buildings, 765 educational institutions, 9309 private houses, 9 hospitals and 243 bridges

in the State. In the process 7687 militants including 563 foreign mercenaries were killed. The number of security personnel killed during the period was 1416. The terrorists did not spare even places of worship.¹

Consequent to the mid-term elections to the Lok-Sabha held in January 1998, the BJP led alliance of 18 political parties formed the Government with Atal Bihari Vajpayee as Prime Minister. Included in his Cabinet among others were L.K. Advani (Home Minister), George Fernandes (Defence Minister) and Jaswant Singh (Foreign Minister).

As Foreign Minister in the Janta Party Government during 1977-79 Vajpayee had visited Pakistan to improve relations between the two countries and had left good impression of himself among the people of Pakistan. Now that Vajpayee was at the helm of affairs, the people of both countries had expected that he would renew his efforts to improve relations with Pakistan. And he did not disappoint them.

Vajpayee mooted the idea of starting a bus-service between Delhi and Lahore to boost traffic and increase contacts between the peoples of the two countries. The Pakistan Prime Minister, Nawaz Sharif, welcomed the proposal. The inaugural bus left Delhi for Lahore on February 19, 1999. Vajpayee got into this bus at Amritsar to show as to how much importance India attach to establish neighbourly relations between the two countries. He was received warmly by the Pakistan Prime Minister at Wagah border. Both of them flew to Lahore from there. In Lahore, Vajpayee's arrival was heralded by 21 gun-salute.

After two days of talks in cordial atmosphere, the two Prime Ministers agreed to intensify their efforts to resolve all bilateral issues including the problem of Kashmir and refrain from intervention and interference in each others internal affairs. A statement known as 'Lahore declaration', signed by the two Prime Ministers on conclusion of Vajpayee's visit, recognised that nuclear dimension of the security environment of the two countries added to their responsibility for avoidance of conflict between them and reiterated their determination to implement the 1972 Shimla Agreement in letter and spirit.

¹ The Times of India, New Delhi, August 5, 1999.

Sharing a vision of peace and stability between the two countries and of progress and prosperity of their peoples, the declaration said that the two leaders were convinced that durable peace and development of harmonious relations and friendly co-operation would serve the vital interest of the peoples of the two countries enabling them to devote their energies for a better future.

A night earlier to the signing of the Lahore Declaration, the Pakistan Prime Minister, Nawaj Sharif had said at a banquet held in honour of the Indian Prime Minister, that the Kashmir issue could not be wished away and had to be resolved "consistent with international obligation, justice and equity."

The Pakistan Prime Minister made his banquet speech after the conclusion of the talks between him and the Indian Prime Minister. Still he harped on the solution of Kashmir problem 'consistent with international obligation' to which India had all along been opposed. However, the Indian policy makers failed to read in between the lines in the banquet speech of Nawaz Sharif and hailed the Lahore declaration as a charter of peace. Soon the country had to pay dearly for it.

The bus-diplomacy and the Lahore Declaration were given wide publicity through the press and the electronic media which created an impression among the people of India that not only there would be no war between India and Pakistan in the near future but that fifty year long insurgency in Kashmir would also come to an end. However, the ruling circles in Pakistan had other plans.

While the Government, the Defence forces and the intelligence agencies in India were lulled into complacency in the aftermath of the bus-diplomacy, Pakistan started sending its armed personnel to the Kargil sector in Kashmir in a planned and clandestine operation. By the end of April 1999, about one thousand well armed and well trained in mountain warfare Pakistani intruders had dug themselves in at heights of 16000-18000 feet and occupied more than 35 well fortified positions along the 80 km. stretch of the Indian side of the Line of Control (LOC) facing Batalik, Kargil, Dras and Muskoh Valley. They were well supplied with ration, arms and ammunition. The arms included modern weapons like grenade

launchers, multi barrel launchers, missiles, etc. Helped by bombardment by Pakistani artillery from across the border, the intruders threatened the strategic Shrinagar-Leh National Highway which linked Ladak with the rest of Jammu and Kashmir State.

It was indeed a great betrayal on the part of Pakistan whose Prime Minister, Nawaj Sharif along with the Indian Prime Minister, Vajpayee, had only a few months ago signed the 'Lahore Declaration' which committed the two countries to settle all disputes including Kashmir through peaceful means. However, it was amazing that an intrusion of this magnitude went undetected by the Indian authorities for months together. It was either the failure of India's intelligence agencies or the callousness on the part of our civil and military authorities or both. That the C.I.A. too, failed to detect the intrusion could in no way absolve the Indian authorities of the criminal negligence displayed by them. However, no heads rolled nor the conscience of those at the helm pricked.

Be that as it may, it was only on May 5 that the two army patrols spotted a group of intruders in Yaldor area in the Kargil region. A larger patrol party, which went for cross checking, was ambushed and had lost four soldiers. On May 12, the army conducted an aerial survey and found to its chagrin that intrusion was far more serious than assumed. The Government and the army were caught off guard.

The army moved 30,000 troops in Kargil-Dras areas in addition to the special forces dropped on the high ridges by helicopters. It flew in reserve weapons like field guns, howitzers, 122 mm. multi-barrel launchers and heavy mortars. The campaign was named 'Operation Vijay'. The army did not make headway in the first few days. The high altitude and the difficult terrain in the Kargil sector required a high volume of fire assault to soften the target. It was, therefore, only from May 26, when the air-force and the much maligned 155 mm. Bofors guns¹ started strafing the enemy positions at high

¹ Incidentally, the army men gave 'three cheers' to Bofors guns, whenever they boomed and caused havoc in the enemy positions. It was a slap on the face of those who maligned the gun and vilified the late Prime Minister Rajiv Gandhi for striking the deal with the Swedish company for supply of these guns.

altitudes that the army made some advance. However, the enemy succeeded in shooting down two IAF fighters by ground to air missiles on the very next day. On the third day, India lost a helicopter as well.

The two pilots unfortunately landed in Pakistan after ejecting from the ill fated fighters. One of the pilots, Squarden Leader Ajay Ahuja was shot dead by the Pakistanis in cold blood and the other, Nachiketa, was held prisoner. Ahuja's body was brought to India. Nachiketa was released on June 4, 1999. He was received at the Wagah border by the Indian army and air force officers.

The progress of the Indian army was slow and the casualties were heavy as the logistics were favourable to the intruders who were well entrenched in fortified bunkers at high altitudes. According to military experts, it required 10 soldiers and even more to dislodge one intruder occupying high grounds.

With the air-force and the artillery especially the Bofors guns providing fire cover, the Indian army had a break through on June 9, when it captured two key positions close to Jubbar in Batalik area. Three days later the Indian army pushed the enemy back by 10 kms. all along the LOC in the Kargil-Leh sector. By now, the Indian casualties were 98 dead and 317 injured. The number of intruders killed was stated to be 280.

Indian forces scored a major victory on June 13, when they captured the 4500 metre high strategic peak of Tololing, after a fierce ten hour gun battle. The victory changed the course of war. It thwarted a major Pak objective of cutting off Drass from the rest of the Kashmir Valley.

India scored another significant victory on July 4, when the Indian troops in an all out assault recaptured 1600 feet high 'Tiger Hill' a key bastion and supply camp of the intruders in the Kargil region. With the Tiger Hills in India's possession, the vital Leh-Shrinagar National Highway became safe for civil and military traffic. Indian troops seized all the ridges around the Tiger-hills and cut off enemy's supply-line. On July 7, India wrested another strategic post-Jubbar hill and three other vital hill features adjacent to Jubbar hills in the Batalik sector.

The recapture of the Tololing, Tiger and Jubar hills by the Indian forces had a major psychological impact on the intruders. There were signs of panic among them. Even as the war was gradually drawing to a close, the Pakistan Prime Minister rushed to Washington to seek President Clinton's mediation. While Clinton refused to mediate between India and Pakistan, he agreed to take 'personal interest' in encouraging bilateral efforts, once the sanctity of the line of control was fully restored. Consequently, the Pakistani intruders started withdrawing from the Kargil sector from July 11, 1999, though resistance continued in some pockets for some time more.

India won the 74 days war in which more than 400 men and officers of the Indian army lost their lives and several hundred wounded. From all accounts it was a costly affair from the point of view of men, money and material. It was an 'unnecessary war' in that there never was a war more easy to prevent than this. With a neighbour like Pakistan, the Indian frontiers demanded eternal vigilance. India failed to learn a lesson from the past and paid the price.

A word or two about our Defence Minister, George Fernandes. Soon after he became Defence Minister in the Vajpayee Government, he declared that China was India's enemy number one and thereby derailed the process of reconciliation set in motion by the late Prime Minister Rajiv Gandhi in 1985 and continued by successive Governments.

When Pakistani armed personnel intruded into the Kargil area the Defence Minister held the Pakistani army responsible for the planning and execution of the Kargil war without the knowledge of the Nawaz Sharif Government and the ISI. The statement was as uncalled for as it was untimely. Further, without proper check and assessment of the situation, the Defence Minister made bold to say that intruders would be dislodged from the Kargil area within twenty four hours. It took the defence forces 74 days to clear the intruders from the Indian soil. While the Kargil war was at its crucial stage, Fernandes pleaded for 'safe passage' for the intruders. He had to retract his statement when there was sharp reaction to the statement in the army as well as in the general public.

Limited war as it was, there was hardly any reason for the Indian people to be euphoric for Pakistan's defeat. However, for Pakistan, the war was a misadventure, if not a disaster. Apart from the ingominy it suffered nationally and internationally, the war had cost Pakistan more than 700 casualties and 700 million dollars. Commenting on Pakistan's defeat, Ayaz Amir, a noted columnist, observed in 'The Dawn':

'To begin with, all the models of 'Shaheen' and 'Ghauri' missiles and all the replicas of Chaghi hills, which adorn our various cities, should be put on board the best of our naval cruisers and in a solemn mid-night ceremony dumped into the Arabian Sea. If this crisis has proved any thing, it is that the possession of nuclear weapons does not confer immunity against taking stupid decisions.'

After the Kargil war ended, the Indian army collected 600 bodies of intruders from the snow heights of Kargil and wanted to hand over them to Pakistan. Surprising, Pakistan refused to accept these bodies. The Indian army had no alternative but to bury them in mass graves.

Diplomacy had its role in wars in the past. It has still a bigger role in modern wars. The Kargil war was no exception. The Ministry of External Affairs, Government of India, moved swiftly to get key countries to see India's view point through. As a result, the U.S. adopted surprisingly positive attitude towards India. As early as June 4, 1999, the U.S. Ambassador to India, Richard F. Celeste said in Delhi that the U.S. wanted the intruders to be withdrawn from Kargil and the Indian military action scaled down to defuse the crisis. He made it clear that the U.S. would not like to intervene in the matter. The same day the U.S. State Department spokesman Rubin declared that the U.S. wanted both countries not to expand the conflict beyond the current Kargil area. Meanwhile, the U.S. Secretary of State, Madelein called Pakistan Prime Minister, Nawaz Sharif and the Indian Foreign Minister Jaswant Singh and advised them to keep restraint.

On June 8, Bruce Riedel of the U.S. National Security Council declared that Pakistan forces should withdraw from the LOC. As if all this was not enough, President Bill Clinton himself slapped a letter to Nawaz Sharif asking him bluntly to

withdraw Pakistani intruders from Kargil. The American stand changed the international dimension of the Kargil war completely. It was also a turn around in Indo-U.S. relations. Prior to Kargil, the U.S. had always tilted towards Pakistan, as far as Kashmir question was concerned.

As soon as the U.S. made its stand clear, France, England and other countries followed the suit. Pakistan's long time friend China preferred to stay neutral than coming in support of Pakistan. Pakistan explored the possibility of raising the issue in the Security Council and the U.N. but failed to find a sponsor. Pakistan's isolation in the international arena was complete. It was as much the success of India's diplomacy as it was the justness of its cause.

Finding itself in a tight corner internationally as well as on the war front, Pakistan approached India for talks and wanted to send her Foreign Minister, Sartaj Aziz, for the purpose. It was after some hesitation that India agreed to receive Aziz on June 12, 1999 by which time India had upper hand in Kargil. Aziz met his Indian counterpart Jaswant Singh. The latter, however, made it clear to the Pakistan Foreign Minister that Pakistan had to pull out the intruders from Kargil and to uphold the sanctity and inviolability of the LOC before meaningful discussions took place on any issue including Kashmir between the two countries. There was no customary joint statement. Aziz mission miserably failed.

The Pakistan Prime Minister Nawaz Sharif, was anxious to meet President Clinton. The latter, however, sent Gen. Anthony Zinni, Chief of the U.S. Central Command to Islamabad to explain to Nawaz Sharif that it was in Pakistan's own interest that it took 'concrete measures' to diffuse the situation. On conclusion of the General's visit, the U.S. Ambassador to Pakistan told the press that Gen. Zinni's talks with Pakistan leadership was very productive in view of the 'flexibility' in Pakistan's position. It was a sufficient indication that Pakistan had relented on its stand on Kargil.

On June 28, Pakistan Prime Minister, Nawaz Sharif, went to Beijing on a six day visit. The Chinese Prime Minister, Zhu Rongji advised Nawaz Sharif that 'Pakistan and India should quickly resolve the Kargil issue through dialogue to ease the

current situation and return South Asia to peace and stability.' A disappointed Sharif cut short his visit and returned to Pakistan.

Soon after Nawaz Sharif's visit, a spokesman of China's Foreign Ministry stated in Beijing that China hoped that both India and Pakistan would respect the LOC. He expressed the hope that New Delhi and Islamabad would resume negotiations as soon as possible and seek a fair and reasonable settlement of all their differences including the Kashmir issue in accordance with the spirit and principles enshrined in the Lahore Declaration.

This was for the first time since the Indo-China war in 1962 that China had not made a reference to international resolutions on Kashmir. It was a marked change in China's attitude towards India.

Pakistan Prime Minister, Nawaz Sharif, again turned to the U.S. and sought a meeting with the U.S. President. The latter agreed only on the condition that Pakistan would withdraw the intruders from Kargil. Nawaz Sharif met Clinton on July 4, 1999 in Washington. After a three hour meeting a statement was issued which stated that it was vital for peace in South Asia that the LOC in Kashmir be respected by both parties in accordance with the 1972 Shimla accord and that concrete steps should be taken for the restoration of the LOC. The President and the Prime Minister agreed that the bilateral dialogue began in Lahore in February provided the best forum for resolving all issues dividing India and Pakistan.

According to the statement, the President said that he would take 'personal interest' in encouraging an expeditious resumption and intensification of the bilateral efforts, once the sanctity of the LOC had been fully restored.

In between the meeting, President Clinton called the Indian Prime Minister Vajpayee and told him of what had transpired between him and Nawaz Sharif. At the end of the meeting, the U.S. National Security Adviser, Sandy Berger, called his Indian counterpart, Brajesh Mishra, to give the full picture of Clinton-Sharif meeting.

While on his way back from Washington, Nawaz Sharif broke his journey in London and had half an hour's talk with

the British Prime Minister, Toney Blair. The latter welcomed the Washington statement and said that it represented real progress towards reducing tension with India.

It is interesting to note that the stand of all the major countries including Russia, China, the U.S., Washington, England, etc. on Kargil issue was uniform in letter and spirit. An embarrassed Pakistan now gave its own interpretation to Clinton's statement that he would take 'personal interest' in expediting the bilateral talks between the two countries. Speaking in the Pakistan National Assembly, the Minister of State for Foreign Affairs, Muhammad Sadiq Khan said that it was for the first time that the U.S., the leading world power, had agreed to play a mediatory role for final settlement of the Kashmir dispute. The U.S. Government promptly rejected the statement. The U.S. State Department spokesman, Jame Folly, made it clear that the attention which the Kargil conflict drew did not constitute international mediation and that the U.S. was not a mediator nor do it offered any specific proposal.

The spokesman made it clear that the sanctity of the LOC extended to its entire length in Jammu and Kashmir and was not confined just to the Kargil area. It thus supported the contention of India that Pakistan would not only secure the withdrawal of intruders from Kargil area but would also stop sending infiltrators into Jammu and Kashmir. The U.S. rejected Pakistan's contention that it had no control over the infiltrators in Kargil. It said that the infiltrators depended on the Pakistani army for transport, food and arms and ammunition and that Pakistan could certainly order them to return to Pakistan.

The stand taken by India on Kargil and related issues was wholly and completely vindicated by the international community and especially the U.S. and China which had for decades supported Pakistan on Kashmir issue. Pakistan was defeated on the war front. It was trounced on the diplomatic front as well. However, the Indian people did not feel like celebrating the dual victory. They were still shell shocked that the Kargil war was the result of the monumental failure of our intelligence agencies as otherwise there was no reason how such a massive intrusion in a sensitive area like the Kargil sector went undetected for months together.

The Government, which had been, time and again, insisting that there was no intelligence failure, announced the setting up of a review committee headed by a senior defence analyst, K. Subrahmanyam. The opposition parties dubbed it as an eye-wash. Their objection was that the committee was not governed by the Commission of Inquiry Act and that since Subrahmanyam was a member of the National Security Council, he could hardly probe the premier agency in charge of national security.

Meanwhile, the opposition alleged that a brigadier, who commanded a brigade, which oversaw the Kargil sector, had cautioned his seniors of an 'increased threat perception'. The army authorities denied the charge. All the same the Chief of Army Staff, General V.S. Malik has appointed an internal appraisal committee to go into all the major issues including why army was not able to detect large-scale intrusions. Whatever the outcome of the reports of the two enquiry committees, the general impression among the people was that with a little vigilance on the sensitive border, India could have averted the war.

Though the Kargil war has ended, the end of bitterness and the revival of the Lahore spirit between the two countries do not appear to be in sight in the near future. And there are good reasons for it. The Indian Prime Minister had been deeply hurt and felt betrayed. He went to Lahore with an olive branch, the Pakistan Prime Minister, Nawaz Sharif responded with intrusion in Kashmir. What a tragedy!

As for Pakistan, it was sending messages to India to resume talks and revive the Lahore spirit on the one hand, it was carrying on terrorist activities with double vigour in Kashmir, on the other. This time it has chosen the army camps in Kashmir as its special targets. No wonder the Indian Prime Minister has made it clear that resumption of talks between the two countries was possible only when Pakistan stopped cross border terrorism and ISI activities in India.

Pakistan has stated more than once that Kashmir problem should be given priority in the agenda for talks between the two countries and that once the Kashmir issue was settled, other issues would be resolved in no time. But Pakistan should

know that no Government in India could afford to part with an inch of territory of Jammu and Kashmir, as no Government in Pakistan could afford to loose an inch of territory of POK. The statesmanship on both sides demands that the Line of Control is converted into the international border between the two countries as suggested in an earlier chapter. Wars and infiltration have not solved the problem in the past nor would they do in future.

It would be unfair to Pakistan, if we fail to mention here the story about 'mutilation' of bodies of Indian soldiers killed while in Pak. army's custody. The Indian army spokesman Col. Bikramsingh told a press conference at Delhi on June 10, 1999 that the bodies of six soldiers including an officer, Lieutenant Saurave Kalia, handed over to India by Pakistan army were mutilated and that the eyes of some of the soldiers had been gauged out and their ears, noses and genitals chopped off.¹ The news received wide publicity in India and abroad. The whole country condemned Pakistan's barbaric action. Even India's Foreign Minister, Jaswant Singh, demanded from the Pakistani Foreign Minister Sartaj Aziz, during his visit to Delhi on June 12 that Pakistan punish those responsible for perpetrating barbarous action on Indian soldiers.²

When autopsies of the bodies of soldiers were conducted, it was found that the story was vastly exaggerated. The soldiers were undoubtedly tortured before being killed. Nevertheless, it did not amount to mutilation. There was no evidence of genital dismemberment or gauged out eyes.³

During the Kargil war the U.S. had strongly supported India's case. She brought pressure on Pakistan to withdraw the intruders from the Kargil sector and restore sanctity of the LOC. Continuous exchanges of views between President Clinton and Prime Minister Vajpayee during the war further strengthened the ties between the world's two largest democracies. The other G-8 countries including the U.K., France and Japan too extended their support to India. It looked as if the Kargil war

¹ The Times of India, New Delhi, June 11, 1999.

² The Hindu, Delhi, June 13, 1999.

³ The Hindustan Times, New Delhi, Aug. 20, 1999 (Vir Sanghi's article, 'Defending the Indefensible').

had changed the course of diplomatic history of India, as it was for the first time since independence that the U.S. and other powerful countries extended moral support to India against Pakistan. However, the bonhomie between India and the U.S. and other countries disappeared as quickly as it developed during the Kargil-war.

On August 10, 1999, the Indian air force shot down a Pakistani naval air craft 'Atlantique'. All the 16 occupants including 5 naval officers were killed. The aircraft was stated to have intruded 10 kms. deep into the Indian territory of the Runn of Kutch. The wreckage-including the entire fuselage and all the bodies was found in Pakistani territory close to the disputed territory of 'Sir Creek'. All that India appeared to have was part of the wing. All the dead bodies of naval officers and men were taken away by Pakistan.

Judged by the I.A.F.'s own version, the Pak. air craft was shot behind when it was heading back to Pakistani territory. The air force was unable to establish radio contact with the air craft before it was shot down.

Strictly speaking, India was within its right to shoot down the Pakistan air craft, as it violated the Indian air space especially in the back ground of the recent Kargil war. However, the U.S. and other G-8 countries thought otherwise. They felt that the air craft might have violated India's air space but that India was too trigger-happy when it came to shooting it down. The Indo- U.S. relation, received a mild set back.

On the very next day of the shooting of the Pakistani plane, Pakistan fired a ground to air missile on the three I.A.F. helicopters, which were carrying a media party to the wreckage site in the Runn of Kutch. However, no damage was done to any of the helicopters.

On August 17, 1999 India made public the 'Draft Nuclear Doctrine' (DND) spelling out the minimum nuclear deterrent, command and control system and the broad thrust on nuclear forces, even while reiterating its strict adherence to the objectives of 'no-first use' and 'non-use' against non-nuclear weapon states. The DND will put into place a robust command and control system, visiting the release nuclear weapons for use in the Prime Minister, the designated successor(s).

The United State termed India's move to develop a nuclear deterrent as 'unwise'. The U.S. State Department spokesman James Rubin said that nuclear weapons would not contribute to greater security in South Asia. He said that at the end of the process, the security of India and Pakistan would be worse off, if they moved in this direction. In Beijing, the Chinese Foreign Ministry spokesman urged India not to induct nuclear missiles into its arsenal and prevent arms race in the region.

In response to the DND released by India, Pakistan said that it was giving final touches to its own DND which would be based on the proposed strategic nuclear restraint regime already discussed with India in October 1998.

In the elections held in October 1999, the BJP led National Democratic Alliance (NDA) secured a comfortable majority in the Lok-Sabha and formed the Government with Atal Bihari Vajpayee as Prime Minister. India's victory in the Kargil war under the leadership of Vajpayee undoubtedly contributed to NDA's success at the hustings. On the other hand, Pakistan's defeat in the Kargil misadventure led to serious differences between the Government led by Nawaj Sharif and the Pakistan army Chief General Musharraf. The latter overthrew the Sharif Government and took over as Chief Executive of Pakistan in the last week of October, 1999. He dismissed provincial Governments and appointed Generals as Governors in their places.

The architect of the Kargil war and now the sole ruler of Pakistan, Gen. Pervez Musharraf has offered to resume negotiations with India with particular reference to de-escalation along the Indo-Pak international border and unconditional and bilateral discussions on all outstanding issues including Kashmir in the spirit of Lahore Declaration. Simultaneously, the General at his first press conference as Chief Executive, declared that 'hostility from India will be met with hostility and peace with peace'. Clearly, the General was no dove on India.

The Indian response to the General's offer was that talk's would not serve any purpose unless Pakistan gave up cross-border terrorism and pushing mercenaries in to Kashmir.

India emphasized that Pakistan must first restore the trust lost through the intrusions and aggression in Kargil by taking appropriate actions.

While there is complete stalemate in the relations between the two countries, militants have started attacking army installations in Kashmir in recent months. The latest in the series was the dare-devil attack by Pakistani backed Lashker-e-Tayyaba militants on the Badami-Bagh Cantonment, the headquarters of the 15th corps on the night of November 3, 1999. The gun-fights that lasted for over eight hours claimed the lives of nine men of the Indian army and the Border Security Force including a Major and two Junior Commissioned officers.

Meanwhile, thousands of militants, who gathered at Muridke (Lahore) on November 4, for congregation of the Lashkar-e-Tayyaba, have called for 'jehad' against India and the U.S. Fraternal militants and fundamentalist delegates from Afghanistan, Sudan, Egypt and Saudi Arabia also participated in the congregation.

There are also reports that nearly 400 foreign mercenaries, mainly from Pakistan and Afghanistan were operating in areas south of Pir Panjal mountain range in Jammu and Kashmir. Some of them are active in Doda, Udhampur, Rajouri and Poonch districts.

The State of Jammu and Kashmir is in for greater intensification of terrorist activity in the coming months. Indian armed forces will have to remain ever vigilant.

Chapter XX

The Epilogue

IN THIS CHAPTER an attempt will be made to answer some of the questions, which have been agitating the minds of the people in regard to the manner in which the Government of India has dealt with the Kashmir problem from time to time.

The British Cabinet Mission in its memorandum of May 12, 1946 had made it clear that with the end of British rule in India all the rights surrendered by the State to the 'Paramount Power' (British Crown) will return to the States. The Rulers of these States were at liberty to remain independent or link up their States with either of the Dominions, viz., India or Pakistan. Lord Mountbatten, the last Viceroy of India, in his address to the Chamber of Princes on July 25, 1947 had, however, expressed his hope that while doing so the states would take geographical compulsion into consideration¹.

As soon as the process of transfer of power started, the various Indian states headed by Hindu Rulers, having Hindu majority and geographical contiguity with India, gradually acceded to India and the states headed by Muslim rulers, having Muslim majority and geographical contiguity with Pakistan, acceded to Pakistan before August 15, 1947. However,

¹ The White Paper on Indian States (March 1970), p.161.

there were three states, namely, Hyderabad, Junagarh and Kashmir out of 562 states in undivided India, which did not accede to either of the Dominions on or before the above date.

Hyderabad State was not only contiguous to India but surrounded on all sides by Indian territory. A vast majority of its population was Hindu, but its ruler was a Muslim, known as Nizam. Like Hyderabad, Junagarh too had a Muslim ruler and a Hindu majority and was contiguous to India. In the case of Kashmir, it was contiguous to both India and Pakistan. About 77% of its population was Muslim but the ruler was a Hindu.

From the strictly legal point of view, only the ruler of a State was competent to execute the 'instrument of accession'. The Indian National Congress, which succeeded the British Government in India after partition, had all along held the view that no princely State could remain independent and that in the matter of disputed accession, the will of the people must prevail¹.

The view of the sinner elements in India as well as in Pakistan at that time was that out of the three states, Hyderabad and Junagarh should go to India and Kashmir to Pakistan. The plan of Muslim League, which succeeded the British Government in Pakistan, was however, different. It's stand on princely states had always been deliberately vague, ambiguous and opportunistic.

When the Nizam of Hyderabad declared his intention to remain independent, the Muslim League supported him. When the Maharaja of Jodhpur met the Governor General designate of Pakistan, Mohammad Ali Jinnah and enquired of him as to what sort of reception he might expect if his State acceded to Pakistan, Jinnah gave him a blank sheet and said, 'Just write your conditions on this paper and I will sign it'². Similarly, when the Nawab of Junagarh offered his State's accession to Pakistan, Jinnah accepted it without hesitation. Jinnah thought of keeping these three key States away from India in spite of the fact that a great majority of the population of these states

¹. The White Paper on Kashmir, p.45

². Collins and Lipierre, Freedom at Midnight (1980 Edition), p.207

was Hindu and these were contiguous to India. Pakistan had, therefore, no moral right to question the action of the Maharaja of Kashmir to accede to India on the ground that Kashmir was a Muslim majority State.

The Central Government led by Nehru has often been criticised for accepting the offer of the Maharaja of Kashmir to accede to India subject to ratification by the people of the State through a plebiscite, in spite of the fact that no such condition was attached by the Ruler who alone was competent to decide the future of his State. As stated earlier, India's consistent stand in regard to the princely States had been that in the matter of disputed accession, the will of the people must prevail. It was in accordance with this policy that Hyderabad and Junagarh were made to accede to India notwithstanding the wishes of their Rulers. And it is in this context that Government of India accepted the offer of the Ruler of Kashmir to accede to India conditionally. Any other course would have been morally and otherwise untenable. All the same, once the Constituent Assembly of the State had put its seal of approval on the State's accession to India, the commitments made by the Government of India in this regard were fully met. Even otherwise, the demand for plebiscite in Kashmir under the supervision of the U.N. became infructuous, when Pakistan failed to withdraw its regular troops and the raiders from the Kashmir territory in accordance with the resolutions of the Security Council.

Another aspect of the Kashmir problem which has engaged the attention of the political commentators since long is why the Government of India went to the Security Council and agreed to the cease-fire and not allowed the Indian armed forces to occupy the rest of Kashmir? We have to find out an answer to this complicated question from the attendant circumstances prevailing in December 1947, when the reference was made to the U.N. by the Government of India.

It is to be noted that the hands of the Government of India were full when it was called upon to undertake military operations in Kashmir in October 1947. The migration of Hindus uprooted from Pakistan on an unprecedented scale was causing a heavy drain not only on its financial resources

but on its administrative machinery as well. A big chunk of our defence forces had to be deployed in dealing with large scale communal riots in various parts of the country following the communal holocaust in Pakistan. The Hyderabad problem had assumed gigantic proportion as the Ittehad-ul-Muslimin and its quasi-military wing 'Razakars' threatened India with aggressive postures under the inspiration of Nizam and Pakistan on the issue of accession. A number of battalions had to be posted around the second largest State in India to take care of these organisations. It is in this difficult situation that India undertook air borne operations to defend Srinagar which would have been in Pakistani hands but for the timely landing of the Indian army.

The Indian army did a marvellous job in the first two months of its operations in the State. It cleared 60% of the Valley of the Pakistani raiders. So far the operations were an exciting adventure but the advance now became slow over the massive hills. The army found itself entangled in a prospective major campaign with a long vulnerable line of communications stretching through Jammu to Pathankot. The war threat was now in the area controlled by Sardar Ibrahim of the Muslim Conference, where Sheikh Abdullah and his National Conference had little influence. Thus, not only the terrain and other logistics, a hostile population was also an added problem. Over and above all this, for further operations to be successful the army would have been compelled to carry the war on the Pakistan soil. With so many commitments at home, as explained earlier, India was hardly in a position to spare and deploy more division necessary for an all out war against Pakistan. Discretion was thus better part of valour. In any case Jammu, Ladak and the heart of Kashmir Valley was already in Indian hands.

Gen. Butcher, C in C of India advised the Government of India that if they wanted to prevent an all out war against Pakistan, then cease-fire was the only way out¹. When the Government of India agreed to the suggestion, Brig. Manekshaw, Acting Chief of General Staff, sent a telegram (App. III) on behalf of Gen. Butcher to Gen. Gracy, C in C, Pakistan on

¹. Lord Birbwood, *Ibid*, p.73

Dec. 30, 1948 to the effect that Indian troops would cease-fire, if he was in a position to take immediate reciprocal and effective action. Gen. Gracy took up the matter with Pakistan Government which too agreed to the proposal. Two days later, i.e., from January 1, 1949 the cease-fire became effective under the auspices of the United Nations.

The third and yet the most important question relates to the insertion of Article 370 in our Constitution. Since the Jan Sangh and its present successor, the BJP had made it a major issue in every general election in India, I have thought it proper to deal with its various aspects in an exhaustive manner in a separate chapter in this book.

While there were good reasons for accepting Kashmir's accession to India subject to ratification by the people, approaching the U.N. at a stage when it was no longer desirable to prosecute the war further and inserting article 370 in the Constitution of India, there had been quite a few occasions, when the Government of India had gone wrong in dealing with Kashmir affairs.

Bakshi Ghulam Mohammad had taken over as Chief Minister of Kashmir on August 9, 1953 reluctantly in very trying circumstances when Sheikh Abdullah was dismissed for his anti-Indian activities. Widespread disturbances took place in the Valley leading to the killing of about 60 people in the firing by the police and militia. Bakshi, however, soon succeeded in restoring order all over the state within three weeks. He remained Chief Minister exactly for ten years. During this period, he brought political stability, peace and prosperity to the State. Sheikh Abdullah was almost forgotten. It was during Bakshi's stewardship that Kashmir was brought closer to India constitutionally and otherwise. This was in fact the best period in the post independence era from the point of view of the progress of the State and its relations with India. And yet Bakshi was removed as Chief Minister in August 1963 as part of the Kamraj Plan. It was a 'Himalayan' blunder to have 'Kamrajed' Bakshi, the symbol of stability in Kashmir. The State had no peace since Bakshi left the scene.

The prosecution of political leaders on political grounds has generally proved counter-productive. Yet, the Prime Minister

Nehru and the Home Minister G.B. Pant agreed to prosecute Sheikh Abdullah, Mirza Afzal Beg, Pir Maqbool Gilani and 22 others in what was known as the Kashmir conspiracy case in 1958. The case, which prolonged for about eight years, was finally withdrawn a few weeks before the death of the Prime Minister Nehru on May 27, 1964. Purely from the political angle it was bad enough to have launched prosecution against Sheikh Abdullah and others and was worse to have withdrawn it. Sheikh Abdullah, who had lost much of his aura since his dismissal as Premier in 1953, resurrected from the grave. Though he waited for another ten years, he had to be reinstalled as Chief Minister in February 1975 on his own terms. The clock of Kashmir's further integration with India was put back.

In the entire history of Indo-Pak. relations, there had been only one occasion when India and Pakistan came close to signing an agreement on Kashmir. The all powerful Governor General of Pakistan, Ghulam Mohammad, accompanied by Prime Minister Mohammad Ali Bogra, Home Minister Iskandar Mirza and Defence Minister General Ayub Khan came to New Delhi as Government of India's guest to participate in the Republic Day celebrations of January 26, 1955. On this occasion, the Governor General and his team held informal discussion on Kashmir with the Prime Minister of India, Jawaharlal Nehru and his colleagues. At the State banquet held in his honour on this occasion, the Governor General declared, "Let us put an end to our disputes. We owe to posterity not to leave them a legacy of misunderstandings and bitterness". It was for the first time since independence that such a refreshing and conciliatory voice from a Pakistani statesman was heard. The expectations in both countries rose high.

A powerful Pakistani delegation headed by the Prime Minister Mohammad Ali Bogra reached Delhi on May 14, 1955. The discussions which lasted four days between the delegations of Pakistan and India centered round the conversion of the cease-fire line into an international boundary between the two countries. Though the communique issued on the conclusion of talks made no mention of this approach, the international press published full account of what was discussed by the

two delegations. While the '38th parallel approach' to the Kashmir problem was by and large welcomed in India, the news got a hostile reception in Pakistan. The Governor General, Ghulam Mohammad, who was the moving spirit behind the proposal, had already been seriously ill even before the delegation left for India. Soon after the return of Bogra from there, Ghulam Mohammad left for Zurich for treatment. There was now none to defend the decisions taken at Delhi. Bogra resiled from the stand and the matter ended there. Pakistan reverted to its old stand for plebiscite in Kashmir under the U.N. supervision. The ball was again in the court of the Security Council.

When nothing came out of the discussion in the Security Council or in the bilateral negotiations, a frustrated Pakistan attacked Kashmir on August 5, 1965. It launched a full fledged war against India on September 1. India not only blunted Pakistani attack but threatened the cities of Lahore and Shialkot and captured strategic points in Hajipeer, Teetwal and Kargil sectors. The U.N. intervened and brought about cease-fire on September 22, 1965.

In January 1966, the Soviet Prime Minister Kosigin invited the Indian Prime Minister Lal Bahadur Shastri and the Pakistani President Gen. Ayub Khan to Taskent. After six day long talks Kosigin succeeded in bringing the two parties together. Shastri and Ayub signed the Taskent Declaration which bound them to withdraw their respective forces to the positions held by them on August 5, 1965. India thus surrendered the vital gains secured in the war without getting Pakistan agree to convert the cease-fire line into an international frontier between the two countries as envisaged in Nehru-Bogra talks held in Delhi in May 1955.

Five years later India registered a decisive victory over Pakistan in a 13 day historical war in December 1971. Pakistan lost East Bengal which became a sovereign country in the name of Bangladesh. In addition, Pakistan lost more than 5500 sq. miles of territory. About 90,000 men of the Pakistani armed and auxiliary forces were made prisoners of war. For Pakistan, the defeat could not have been more humiliating. However, under the Shimla Agreement signed on July 3, 1972

by Indira Gandhi, Prime Minister of India and Z.A. Bhutto, President of Pakistan, India returned more than 5000 sq. miles of territory captured in West Pakistan. Some time later the prisoners of war were also returned. Pakistan thus got away with all that it wanted, its territory and the POWs. The only thing it conceded was the assurance that two countries would settle their differences by peaceful means through bilateral negotiations. Not to talk of war reparation or Azad Kashmir, India even failed to secure Pakistan's agreement on converting the cease-fire line in Kashmir into an international frontier between the two countries. We got a golden opportunity to settle the Kashmir problem once for all and threw it away. Of course, a territory of little over 400 sq. kms. was added to Kashmir during the war. This was, however, no consolation.

Stray incidents of violence had become part of life in the Kashmir Valley since long. There were quite a few secessionist and terrorist organisations, most of them petty, which caused incidents to make their presence felt. People took them into their strides. Some of the organisations like JKLF and Hizbul Mujahidden, however, came in open since August 1989 when the National Conference-Congress coalition Government was in the saddle. Bomb explosions became the order of the day causing injuries to people and damaging property. There were isolated cases of killings of political workers and armed personnel too. In December 1989, the National Front Government headed by the Janata Dal leader, V.P. Singh, came to power at the Centre. It was a signal for dismissal of the Coalition Government at Srinagar. Taking advantage of the uncertain political conditions in the State, the terrorists kidnapped a medical student Rubaiya, daughter of the Union Home Minister, Mufti Mohammad Sayeed on December 8, 1989. Much against his wishes, Dr. Abdulla had to release 5 top terrorists from jail to secure the release of Rubaiya under instructions from the N.F. Government. This was the first major victory of the terrorists in Kashmir. They now became heroes in the Valley.

In January 1990, the NF Government appointed Jagmohan as Governor of Kashmir in place of Lt. Gen. Krishna Rao. The appointment proved disastrous. Jagmohan had earlier been

Governor of the State. He had, however, been recalled in July on Dr. Abdullah's complaint for his interference in the day-to-day administration. Dr. Abdullah tendered the resignation of his Cabinet soon after the announcement of Jagmohan's reappointment. The Governor's rule was imposed in the State. Jagmohan's ruthless handling of the situation in the State widened the credibility gap between the people of the State and India. While the terrorist activity continued unabated, Jagmohan dissolved the Assembly which was already under a state of suspended animation. This he did without even consulting the Union Home Minister and the Prime Minister. Thus, the only medium for the revival of the political process in the State was done away with.

Mir-waiz Maulvi Farooq was the top religious leader in the Valley and commanded lot of influence among the Muslim masses. India had nearly lost Kashmir when the Mir-waiz led an agitation against the disappearance of the Holy Relic in 1963. The Union Home Minister advised Jagmohan more than once to provide him protective custody in view of the terrorist activity in the State. Jagmohan did not bother. On May 21, 1990 some terrorists shot him dead. The 25000 strong crowd took the body from the hospital and carried it in a procession. The paramilitary forces fired upon the crowd. More than 70 persons were killed and about 100 were seriously injured. The N.F. Government now realised its folly in appointing Jagmohan as Governor. Jagmohan was removed unceremoniously from the office of the Governor on May 25, 1990. But by then, lot of damage had already been done to India's cause in Kashmir. The appointment of a person known for his dictatorial tendencies as Governor of Kashmir at this juncture was certainly a blunder which made the solution of the Kashmir problem still more difficult.

There is a negative satisfaction that India was not alone in committing mistakes in relation to Kashmir. Pakistan made still bigger ones. In 1947, it cut supplies of essential commodities to Kashmir in violation of the 'stand still agreement' and sent Frontier tribesmen to Kashmir, who were interested more in loot and plunder than capturing Kashmir. This not only annoyed the population in the Valley but also

gave a handle to the Maharaja and the National Conference leader Sheikh Abdullah to accede to India. If Pakistan at all wanted to annex Kashmir by force, it should have sent its regular army in place of tribesmen as India did in Hyderabad. The Kashmir would then have fallen to it like a ripe fruit in no time and India would have been merely an idle spectator to the drama.

Pakistan was hell bent upon annexing Kashmir through the U.N. if possible and by force, if necessary. When it failed to achieve its objective through the U.N., it decided to embark upon a military path. Its attack, however came a bit late in 1965. Had it done so simultaneously with the Chinese aggression in September 1962, it was certain that Kashmir Valley would have been in its hands.

These are, however, the 'ifs and buts' of history.

Appendix-I

(REFERENCE CHAPTER I)

EXCERPTS FROM THE TREATY OF AMRITSAR,
MARCH 16, 1846

TREATY BETWEEN THE BRITISH GOVERNMENT on the one part and MAHARAJA GULAB SINGH OF JAMMU on the other concluded on the part of the BRITISH GOVERNMENT by FREDERICK CURRIE, Esquire, and BREVET MAJOR HENRY MONTGOMERY LAWRENCE, acting under the orders of the RIGHT HONOURABLE SIR HENRY HARDINGE, G.C.B., one of HER BRITANNIC MAJESTY'S MOST HONOURABLE PRIVY COUNCILLOR, GOVERNOR GENERAL of the possessions of the EAST INDIA COMPANY to direct and control all their affairs in the EAST INDIES and by MAHARAJA GULAB SINGH in person-1846.

Article I

The British Government transfers and makes over for even in independent possession to Maharaja Gulab Singh and the heir male of his body all the hilly or mountainous country with its dependencies situated to the eastward of the River Indus and the westward of the River Ravi including Chamba and excluding Lahul, being part of the territories ceded to the

British Government by the Lahore State according to the provisions of Article IV of the Treaty of Lahore dated 9th March, 1846.

Article 3

In consideration of the transfer made to him and his heirs by the provisions of the foregoing article, Maharaja Gulab Singh will pay to the British Government the sum of seventy five lakhs of Rupees (Nanukshahee), fifty lakhs to be paid on ratification of this Treaty and twenty-five lakhs on or before the 1st October of the current year AD 1846.

Article 10

Maharaja Gulab Singh acknowledges the supremacy of the British Government and will in token of such supremacy present annually to the British Government one horse, twelve shawl-goats of approved breed (six male and six female) and three pairs of Cashmere shawls.

Appendix-II

(REFERENCE CHAPTER IV)

(I) LETTER OF 26th OCTOBER 1947,
FROM MAHARAJA SIR HARI SINGH
TO LORD MOUNTBATTEN

My dear Lord Mountbatten,

I have to inform Your Excellency that a grave emergency has arisen in my State and request the immediate assistance of your Government. As Your Excellency is aware, the State of Jammu and Kashmir has not acceded to either the Dominion of India or Pakistan. Geographically my State is contiguous with both of them. Besides, my State has a common boundary with the Union of Soviet Socialist Republics and with China. In their external relations the Dominions of India and Pakistan cannot ignore this fact. I wanted to take time to decide to which Dominion I should accede or whether it is not in the best interests of both the Dominions and of my State to stand independent, of course, with friendly and cordial relations with both. I accordingly approached the Dominions of India and Pakistan to enter into a standstill agreement with my State. The Pakistan Government accepted this arrangement.

The Dominion of India desired further discussion with representatives of my Government. I could not arrange this in view of the developments indicated below. In fact the Pakistan Government under the standstill agreement is operating the post and telegraph system inside the State. Though we have got a standstill agreement with the Pakistan Government, that Government permitted a steady and increasing strangulation of supplies like food, salt and petrol to my State.

Afridis, soldiers in plain cloths and desperadoes with modern weapons, have been allowed to infiltrate into the State, at first in the Poonch area, then from Sialkot and finally in a mass in the area adjoining the Hazara District on the Ramkote side. The result has been that the limited number of troops at the disposal of the State had to be dispersed and thus had to face the enemy at several points simultaneously, so that it has become difficult to stop the wanton destruction of life and property and the looting of the Mahura power house, which supplies electric current to the whole of Srinagar and which has been burnt. The number of women who have been kidnapped and raped makes my heart bleed. The wild forces thus let loose on the State are marching on with the aim of capturing Srinagar, the summer capital of my Government, as a first step to overrunning the whole State. The mass infiltration of tribesmen drawn from distant areas of the North-West Frontier Province, coming regularly in motor trucks, using the Mansehra-Muzaffarabad road and fully armed with up-to date weapons, cannot possibly be done without the knowledge of the Provincial Government of the North West Frontier Province and Government of Pakistan. In spite of repeated appeals made by my Government no attempt has been made to check these raiders or to stop them from coming into my State. In fact, both the radio and the Press of Pakistan have reported these occurrences. The Pakistan radio even put out the story that a provisional government has been set up in Kashmir. The people of my State, both Muslims and non-Muslims, generally have taken no part at all.

With the condition obtaining at present in my State and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian Dominion. Naturally

they cannot send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so, and I attach the instrument of accession for acceptance by your Government. The other alternative is to leave my State and the people to free booters. On this basis no civilised government can exist or be maintained. This alternative I will never allow to happen so long as I am ruler of the State and I have life to defend my country.

I may also inform Your Excellency's Government that it is my intention at once to set up interim Government and ask Sheikh Abdullah to carry the responsibilities in this emergency with my Prime Minister.

If my State is to be saved, immediate assistance must be available at Srinagar. Mr. V.P. Menon is fully aware of the gravity of the situation and will explain it to you, if further explanation is needed.

In haste and with kindest regards,

Yours sincerely,
(Signed) Hari Singh

(2) REPLY OF 27th OCTOBER 1947,
FROM LORD MOUNTBATTEN
TO MAHARAJA SIR HARI SINGH

My dear Maharaja Sahib,

Your Highness's letter dated 26th October 1947 has been delivered to me by Mr. V.P. Menon. In the special circumstances mentioned by Your Highness, my Government have decided to accept the accession of Kashmir State to the Dominion of India. In consistence with their policy that in the case of any State where the issue of accession has been the subject of dispute the question of accession should be decided in accordance with the wishes of the people of the State, it is my Government's wish that as soon as law and order have been restored in Kashmir and its soil cleared of the invader, the question of the State's accession should be settled by a reference to the people.

Meanwhile, in response to Your Highness's appeal for military aid, action has been taken today to send troops of the Indian Army to Kashmir, to help your own forces to defend your territory and to protect the lives, property, and honour of your people. My Government and I note with satisfaction that Your Highness has decided to invite Sheikh Abdullah to form an interim Government to work with your Prime Minister.

Yours Sincerely
(Signed) MOUNTBATTEN OF BURMA

Appendix-III

(REFERENCE CHAPTER X)

TELEGRAM SENT FROM INDIA TO PAKISTAN
WHICH EFFECTED THE 'CEASE-FIRE' ON
1st JANUARY 1949 .

From Ind. Army to Pak. Army

Date : 30

Time : 17.10

Top Secret 2208 25/MO 3.

Bucher to Gracey. In view of political developments my Government thinks continuation of moves and countermoves too often due to misunderstanding accompanied by fire support seems senseless and wasteful in human life besides only tending to embitter feelings. My Government authorises me to state I will have their full support if I order Indian troops to remain in present positions and to cease-fire. Naturally, I

cannot issue any such order until I have assurance from you that you are in a position to take immediate reciprocal and effective action. Please reply most immediate. If you agree I shall send you by signal verbatim copies of any orders issued by me and will expect you to do the same.

(Sgd.) SHEJ MANEKSHAW

(Brig.)

Acting C.G.S., 30th December 48

Courtesy 'Two Nations and Kashmir' by Lord Birdwood.

Appendix-IV

(REFERENCE CHAPTER VII)

SUMMARY OF THE EIGHT POINT AGREEMENT BETWEEN INDIA AND SHEIKH ABDULLAH'S GOVERNMENT ANNOUNCED BY NEHRU ON 24th JULY 1952

1. Citizenship. A common citizenship was recognised with special privilege for State subjects.
2. The Head of the State to be recognised by the Indian President on the recommendation of the State Legislature. The State to decide the process of election of the Head of the State. Appointment to be for five years.
3. For historical and sentimental reasons a State flag to be recognised but the Indian national flag to continue to have the same status as elsewhere in India.
4. The President of India to retain powers to reprieve and commute death sentences.
5. The President of India to exercise his emergency powers under Article 352 of the Indian Constitution in such matters as invasion and external or internal disturbances in Kashmir. But in the case of internal disturbance, action to be taken only with the concurrence of the State.

6. The application of principles of Fundamental Rights as defined in the Indian Constitution to apply in Kashmir subject to certain modifications. For example, the Kashmir decision not to award compensation to dispossessed landlords is contrary to the Indian guarantee.
7. The Supreme Court of India to retain original jurisdiction in respect of disputes mentioned in Article 131. Such disputes are those between States or between a State and the Government of India. The State Advisory Tribunal to be abolished and its functions are to pass to the Supreme Court of India. This in effect made the Supreme Court the final Court of Appeal in all civil and criminal matters.

(The Kashmir Government seemed uncertain over their final consent in this matter, and in his statement Pandit Nehru inferred generally that the agreement covered principles but not details.)

8. Financial arrangements between India and Kashmir including the difficult question of Customs had still to be worked out.

Appendix-V

(REFERENCE CHAPTER XI)

**SIX POINT DEMANDS OF THE AWAMI LEAGUE
LEADER SHEIKH MUJIBUR REHMAN (JANUARY 1966)**

1. The Six Points

1. The character of the government shall be federal and parliamentary in which the election to the Federal legislature and to the legislatures of the federating units shall be direct and on the basis of universal adult franchise. The representation in the Federal legislature shall be on the basis of population.
2. The Federal government shall be responsible only for defence, foreign affairs and currency subject to the conditions provided in (3) below.
3. (i) Two separate but freely convertible currencies for the two wings may be introduced or
(ii) One currency for the whole country may be maintained. In this case effective constitutional provisions are to be made to stop flight of capital from East to West Pakistan. Separate Banking Reserve is to be made and separate fiscal and monetary policy to be adopted for East Pakistan.

4. The power of taxation and revenue collection shall vest in the federating units and that the Federal Centre will have no such power. The Federation will have share in the State taxes for meeting their required expenditure. The Consolidated Federal Fund shall come out of a levy of certain percentage of all State taxes.
5. (i) There shall be two separate accounts for foreign exchange earnings of the two wings.
(ii) Earnings of East Pakistan shall be under the control of East Pakistan Government and that of West Pakistan under the control of West Pakistan Government.
(iii) Foreign exchange requirements of the Federal Government shall be met by the two wings either equally or in a ratio to be fixed.
(iv) Indigenous products shall move free of duty between two wings.
(v) The Constitution shall empower the unit Government to establish trade and commercial relations with, set up trade missions in and enter into agreements with foreign countries.
6. The setting up of a militia or a paramilitary force for East Pakistan.

Appendix-VI

*Prime Minister Smt. Indira Gandhi's letter
dated December 16, 1971 to U.S. President Richard Nixon.*

I am writing at a moment of deep anguish at the unhappy turn which the relation between our two countries have taken.

I am setting aside all pride, prejudice and passion and trying, as calmly as I can, to analyse once again the origins of the tragedy which is being enacted.

There are moments in history when brooding tragedy and its dark shadows can be lightened by recalling great moments of the past. One such great moment which has inspired millions of people to die for liberty was the declaration of independence by the United States of America. That declaration stated that whenever any form of Government becomes destructive of man's inalienable right to life, liberty and pursuit of happiness, it was the right of the people to alter or abolish it.

All unprejudiced persons objectively surveying the grim events in Bangla Desh since March 25 have recognised the revolt of 75 million people, a people who were forced to the conclusion that neither their life, nor their liberty, to say nothing of the possibility of the pursuit of happiness, was available to them.

The world press, radio and television have faithfully recorded the story. The most perceptive of American scholars who are knowledgeable about the affairs of this sub-continent revealed the anatomy of East Bengal's frustrations.

The tragic war, which is continuing, could have been averted if during the nine months prior to Pakistani attack on us on December 3, the great leaders of the world had paid some attention to the fact of revolt, tried to see the reality of the situation and searched for a genuine basis for reconciliation.

I wrote letters along these lines. I undertook a tour in quest of peace at a time when it was extremely difficult to leave the country in the hope of presenting to some of the leaders of the world the situations as I saw it. It was heart breaking to find that while there was sympathy for the poor refugees, the disease itself was ignored.

War could also have been avoided if the power, influence and authority of all the States and above all, of the United States, had got Sheikh Mujibur Rehman released. Instead, we were told that a civilian administration was being installed. Everyone knows that this civilian administration was a farce : today the farce has turned into a tragedy.

Lip-service was paid to the need for a political solution, but not a single worthwhile step was taken to bring this about. Instead, the rulers of West Pakistan went ahead holding farcical elections to seats which had been arbitrarily declared vacant.

There was not even a whisper that anyone from the outside world had tried to have contact with Mujibur Rehman. Our earnest plea that Sheikh Mujibur Rehman should be released, or that, even if he were to be kept under detention, contact with him might be established, was not considered practical on the ground that the U.S. could not urge policies which might lead to the overthrow of President Yahya Khan.

While the United States recognised that Mujib was a core factor in the situation and that unquestionably in the long run Pakistan must acquiesce in the direction of greater autonomy for East Pakistan. Arguments were advanced to demonstrate the fragility of the situation and of Yahaya Khan's difficulty.

Mr. President, may I ask you in all sincerity : was the release or even secret negotiations with a single human being,

namely, Sheikh Mujibur Rehman, more disastrous than the waging of a war?

The fact of the matter is that the rulers of West Pakistan got away with the impression that they could do what they liked because no one, not even the United States, would choose to take a public position that while Pakistan's integrity was certainly sacrosanct, human rights, liberty were no less so and that there was a necessary inter-connection between the Inviolability of States and the contentment of their people.

Mr. President, despite the continued defiance by the rulers of Pakistan of the most elementary facts of life, we would still have tried our hardest to restrain the mounting pressure as we had for nine long months, and war could have been prevented had the rulers of Pakistan not launched a massive attack on us by bombing our air-fields in Amritsar, Pathankot, Srinagar, Avantipur, Uttarla, Jodhpur, Ambala and Agra in broad daylight on December 3, 1971 at a time when I was away in Calcutta, my colleague, the Defence Minister, was in Patna and was due to leave further for Bangalore in the South and another senior colleague of mine, the Finance Minister, was in Bombay.

The fact that this initiative was taken at this particular time of our absence from the Capital showed perfidious intentions. In the face of this, could we simply sit back trusting that the rulers of Pakistan or those who were advising them, had peaceful, constructive and reasonable intent?

We are asked what we want. We seek nothing for ourselves. We do not want any territory of what was East Pakistan and now constitutes Bangla Desh. We do not want any territory of West Pakistan. We do want lasting peace with Pakistan. But will Pakistan give up its ceaseless and yet pointless agitation of the last 24 years over Kashmir? Are they willing to give up their hate campaign and posture of perpetual hostility towards India? How many times in the last 24 years have my father and I offered a pact of non-aggression to Pakistan? It is a matter of recorded history that each time such offer was made, Pakistan rejected it out of hand.

We are deeply hurt by the innuendos and insinuations that it was we who have precipitated the crisis and have in any way thwarted the emergence of solutions. I do not really know who is responsible for this calumny. During my visit to

the United States, United Kingdom, France, West Germany, Austria and Belgium, the point I emphasised, publicly as well as privately, was the immediate need for a political settlement.

We waited nine months for it. When Dr. Kissinger came in August 1971, I had emphasised to him the importance of seeking an early political settlement. But we have not received even to this day, the barest framework of a settlement which would take into account the facts as they are and not as we imagine them to be.

Be that as it may, it is my earnest and sincere hope that with all the knowledge and deep understanding of human affairs you, as President of the United States and reflecting the will, the aspirations and idealism of the great American people, will at least let me know where precisely we have gone wrong before your representatives or spokesmen deal with us with such harshness of language.

With regards and best Wishes,

Yours sincerely,

Indira Gandhi

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